JOURNAL

OF THE

SENATE

STATE OF MINNESOTA

SEVENTY-SECOND LEGISLATURE

INCLUDING FIRST AND SECOND SPECIAL SESSIONS

1981

Published By
The Secretary of the Senate

Printed By
Graphics Unlimited
Minneapolis

Introduction

The November, 1980 election brought twenty-three new Senators to the Seventy-Second Legislature, and re-elected forty-four Senators. Of the twenty-three new Senators, one was a former member of the Senate, seven had prior service in the House of Representatives; fourteen were members of the DFL Caucus and nine were members of the Independent Republican Caucus.

Senator Roger D. Moe, Ada, was elected Senate Majority Leader and Chairman of the Committee on Rules and Administration.

Senator Jack Davies, Minneapolis, was elected President of the Senate.

Senator Jerome M. Hughes, Maplewood, was elected President Pro Tem.

Senator Robert O. Ashbach, St. Paul, was re-elected Senate Minority Leader.

Former Senator Nicholas D. Coleman died March 5, 1981. Senator Coleman (DFL) represented Senate District 65, St. Paul, from 1962 through 1980. During his service in the Minnesota Senate, he served in several leadership positions. In 1969 he was elected Assistant Minority Leader; in 1971, Minority Leader; and in 1973, Majority Leader and he served in that role until his term expired on January 5, 1981. His body lay in state on the West (Senate) side of the Capitol Rotunda during the day and evening of March 8, during which citizens of the State of Minnesota paid their respects. Eulogies were delivered by Senate Majority Leader Roger D. Moe, Senate Minority Leader Robert O. Ashbach, Speaker of the House of Representatives Harry A. Sieben, Jr. and Attorney General Warren Spannaus.

The political makeup of the 1981 Senate, Seventy-Second Legislature, was 45 DFL-ers and 22 Independent Republicans until the District 20 special election which changed the makeup to 44 DFL-ers and 23 Independent Republicans.

On April 10, 1981, Senator Jim Nichols (DFL), District 20, resigned his Senate seat. A special election was held May 12, 1981, and Randy P. Kamrath (IR) was elected to serve out the remainder of Senator Nichols' term and was sworn in on May 15, 1981.

Three Special Sessions were called by Governor Albert H. Quie during 1981. The First Special Session lasted one day, Saturday, June 6, 1981, and the Second Special Session lasted two days, Wednesday, July 1 and Thursday, July 2, 1981, and both accomplished items agreed upon by legislative leaders prior to the calling of the Special Sessions. The Third Special Session was called for December 1, 1981, and the proceedings for that session are included in the 1982 Journal of the Senate.

Members of the Senate

Ashbach, Robert O. (IR)*
Bang, Otto T., Jr. (IR)
Belanger, William V., Jr. (IR)
Benson, Duane D. (IR)
Berg, Charles A. (IR)
Berglin, Linda (DFL)**
Bernhagen, John (IR)
Bertram, Joe (DFL)
Brataas, Nancy (IR)
Chmielewski, Florian (DFL)
Dahl, Gregory L. (DFL)
Davies, Jack (DFL)
Davis, Charles R. (DFL)
Dicklich, Ronald R. (DFL)
Dieterich, Neil (DFL)
Engler, Steve (IR)
Frank, Don (DFL)
Frederick, Mel (IR)
Frederickson, Dennis R. (IR)
Hanson, Marv (DFL)
Hughes, Jerome M. (DFL)
Humphrey, Hubert H., III (DFL)
Johnson, Douglas J. (DFL)
Kamrath, Randy P. (IR)
Keefe, John B. (IR)
Knoll, Franklin J. (DFL)
Knutson, Howard A. (IR)
Kroening, Carl W. (DFL)
Kronebusch, Patricia Louise (IR)
Langseth, Keith (DFL)
Lantry, Marilyn M. (DFL)
Lessard, Bob (DFL)
Lindgren, Steven O. (IR)
Luther, William P. (DFL)
Menning, Marion (Mike) (DFL)
Merriam, Gene (DFL)
Moe, Donald M. (DFL)
Moe, Roger D. (DFL)
Nelson, Tom A. (DFL)
Nichols, Jim (DFL)
Olhoft, Wayne (DFL)
Pehler, James C. (DFL)
Penny, Timothy J. (DFL)
Peterson, Collin C. (DFL)
Peterson, Darrel L. (IR)
Peterson, Randolph W. (DFL)
Petty, Eric D. (DFL)
Pillsbury, George S. (IR)
Purfeerst, Clarence M. (DFL)
Ramstad, Jim (IR)
Renneke, Earl W. (IR)
Rued, Dave (IR)
Schmitz, Robert J. (DFL)
Setzepfandt, A.O.H. (DFL)
Sieloff, Ron (IR)
Sikorski, Gerry (DFL)
Solon, Sam G. (DFL)
Spear, Allan H. (DFL)
Stern, Irving M. (DFL)
Stokowski, Anne K. (DFL)
Stumpf, Peter P. (DFL)
Taylor, Glen (IR)
Tennessen, Robert J. (DFL)
Ulland, James (IR)
Vega, Conrad M. (DFL)
Waldorf, Gene (DFL)
Wegener, Myrton O. (DFL)
Willet, Gerald L. (DFL)

*IR — Independent Republican

**DFL — Democratic-Farmer-Labor

Senate Leaders

Moe, Roger D. ..... Majority Leader
Hanson, Marv ..... Assistant Majority Leader
Nelson, Tom A. ..... Majority Whip
Sikorski, Gerry ..... Majority Whip
Ashbach, Robert O. ..... Minority Leader
Bernhagen, John ..... Assistant Minority Leader
Frederick, Mel ..... Minority Whip
Knutson, Howard A. ..... Assistant Minority Caucus Leader

Officers of the Senate

Davies, Jack	President
Hughes, Jerome M.	President Pro Tem
Flahaven, Patrick E.	Secretary of the Senate
Mattson, Janine	First Assistant Secretary
Urman, Patrice	Second Assistant Secretary
Raiola, Marvin F.	Sergeant at Arms
Graham, Ralph C.	Assistant Sergeant at Arms
Ganje, Kay	Engrossing Secretary
Morrison, Catherine E.	Engrossing and Appointments Clerk
McGurran, Sister Michelle	Chaplain

Desk Assistants to the Secretary of the Senate:

Barry, Colleen J.	Third Assistant Secretary
Magnuson, Scott	Legislative Clerk

STATE OF MINNESOTA

Journal of the Senate

SEVENTY-SECOND LEGISLATURE

FIRST DAY

St. Paul, Minnesota, Tuesday, January 6, 1981

This being the day designated by the Constitution and Laws of the State of Minnesota for the assembling of the Legislature, the members of the Senate met in the Senate Chamber of the Capitol and were called to order at 12 o'clock noon by the Lieutenant Governor, Lou Wangberg.

Prayer was offered by Sister Michelle McGurran.

The Lieutenant Governor then appointed Mr. Howard A. Knutson as Secretary Pro Tem.

The Secretary Pro Tem called the roll by legislative districts in numerical order, and the following Senators answered to their names and the Senators-elect presented proof of their eligibility to be seated as members of the Senate.

First District	Marv Hanson
Second District	Roger D. Moe
Third District	Bob Lessard
Fourth District	Gerald L. Willet
Fifth District	Ronald R. Dicklich
Sixth District	Douglas J. Johnson
Seventh District	Sam G. Solon
Eighth District	James Ulland
Ninth District	Keith Langseth
Tenth District	Collin C. Peterson
Eleventh District	Wayne Olhoft
Twelfth District	Myrton O. Wegener
Thirteenth District	Dave Rued
Fourteenth District	Florian Chmielewski
Fifteenth District	Charles A. Berg
Sixteenth District	Joe Bertram
Seventeenth District	James C. Pehler
Eighteenth District	Charles R. Davis
Nineteenth District	Randolph W. Peterson
Twentieth District	Jim Nichols
Twenty-first District	A.O.H. Setzepfandt
Twenty-second District	John Bernhagen
Twenty-third District	Earl W. Renneke
Twenty-fourth District	Clarence M. Purfeerst
Twenty-fifth District	Steve Engler

Twenty-sixth District ..... Marion (Mike) Menning
Twenty-seventh District ..... Darrel L. Peterson
Twenty-eighth District ..... Dennis Frederickson
Twenty-ninth District ..... Glen Taylor
Thirtieth District ..... Timothy J. Penny
Thirty-first District ..... Tom A. Nelson
Thirty-second District ..... Mel Frederick
Thirty-third District ..... Nancy Brataas
Thirty-fourth District ..... Patricia Louise Kronebusch
Thirty-fifth District ..... Duane D. Benson
Thirty-sixth District ..... Robert J. Schmitz
Thirty-seventh District ..... Steve Lindgren
Thirty-eighth District ..... William V. Belanger, Jr.
Thirty-ninth District ..... Otto T. Bang, Jr.
Fortieth District ..... John B. Keefe
Forty-first District ..... Irving M. Stern
Forty-second District ..... George S. Pillsbury
Forty-third District ..... Jim Ramstad
Forty-fourth District ..... Hubert H. Humphrey, III
Forty-fifth District ..... William P. Luther
Forty-sixth District ..... Don Frank
Forty-seventh District ..... Gene Merriam
Forty-eighth District ..... Robert O. Ashbach
Forty-ninth District ..... Gregory L. Dahl
Fiftieth District ..... Jerome M. Hughes
Fifty-first District ..... Gerry Sikorski
Fifty-second District ..... Conrad M. Vega
Fifty-third District ..... Howard A. Knutson
Fifty-fourth District ..... Carl W. Kroening
Fifty-fifth District ..... Anne K. Stokowski
Fifty-sixth District ..... Robert J. Tennessen
Fifty-seventh District ..... Allan H. Spear
Fifty-eighth District ..... Eric D. Petty
Fifty-ninth District ..... Linda Berglin
Sixtieth District ..... Jack Davies
Sixty-first District ..... Franklin J. Knoll
Sixty-second District ..... Neil Dieterich
Sixty-third District ..... Ron Sieloff
Sixty-fourth District ..... Peter P. Stumpf
Sixty-fifth District ..... Donald M. Moe
Sixty-sixth District ..... Gene Waldorf
Sixty-seventh District ..... Marilyn M. Lantry

OATH OF OFFICE

The Senators in a body then subscribed to the Oath of Office as administered by The Honorable Robert J. Sheran, Chief Justice of the Supreme Court.

ELECTION OF PRESIDENT

Mr. Hughes nominated Mr. Jack Davies for President.

Mr. Bernhagen nominated Mr. Earl W. Renneke for President.

Mr. Pillsbury seconded the nomination of Mr. Renneke.

The question was taken on the election of the President. The roll was called. The following Senators voted for Mr. Jack Davies:

Berglin	Hanson	Luther	Penny	Spear
Bertram	Hughes	Menning	Peterson, C. C.	Stern
Chmielewski	Humphrey	Merriam	Peterson, R. W.	Stokowski
Dahl	Johnson	Moe, D. M.	Petty	Stumpf
Davies	Knoll	Moe, R. D.	Purfeerst	Tennessen
Davis	Kroening	Nelson	Schmitz	Vega
Dicklich	Langseth	Nichols	Setzepfandt	Waldorf
Dieterich	Lantry	Olhoft	Sikorski	Wegener
Frank	Lessard	Pehler	Solon	Willet

The following Senators voted for Mr. Earl W. Renneke:

Ashbach	Bernhagen	Keefe	Pillsbury	Taylor
Bang	Brataas	Knutson	Ramstad	Ulland
Belanger	Engler	Kronebusch	Renneke	
Benson	Frederick	Lindgren	Rued	
Berg	Frederickson	Peterson, D. L.	Sieloff	

Mr. Jack Davies received 45 votes of the members of the Senate and was duly elected President of the Senate.

Mr. Earl W. Renneke received 22 votes.

OATH OF OFFICE

Mr. Jack Davies subscribed to the oath of office as administered by the Honorable Robert J. Sheran, Chief Justice of the Supreme Court.

Mr. Jack Davies then briefly addressed the Senate in accepting the office as President.

ELECTION OF PRESIDENT PRO TEM

Mr. Moe, R. D. moved that the office of President Pro Tem be established and that the President Pro Tem be elected by the Senate. The motion prevailed.

Mr. Willet nominated Mr. Jerome M. Hughes as President Pro Tem.

Mr. Ashbach seconded the nomination of Mr. Hughes.

The roll was called. The following Senators voted for Mr. Jerome M. Hughes:

Ashbach	Dieterich	Langseth	Peterson, C. C.	Spear
Bang	Engler	Lantry	Peterson, D. L.	Stern
Belanger	Frank	Lessard	Peterson, R. W.	Stokowski
Benson	Frederick	Lindgren	Petty	Stumpf
Berg	Frederickson	Luther	Pillsbury	Taylor
Berglin	Hanson	Menning	Purfeerst	Tennessen
Bernhagen	Hughes	Merriam	Ramstad	Ulland
Bertram	Humphrey	Moe, D. M.	Renneke	Vega
Brataas	Johnson	Moe, R. D.	Rued	Waldorf
Chmielewski	Keefe	Nelson	Schmitz	Wegener
Dahl	Knoll	Nichols	Setzepfandt	Willet
Davies	Knutson	Olhoft	Sieloff	
Davis	Kroening	Pehler	Sikorski	
Dicklich	Kronebusch	Penny	Solon	

Mr. Jerome M. Hughes received 67 votes of the members of the Senate and was duly elected President Pro Tem.

OATH OF OFFICE

Mr. Jerome M. Hughes subscribed to the oath of office as administered by the Honorable Robert J. Sheran, Chief Justice of the Supreme Court.

ELECTION OF OFFICERS

Mr. Moe, R. D. nominated Mr. Patrick E. Flahaven for Secretary of the Senate.

Mr. Ashbach seconded the nomination of Mr. Flahaven.

The question was taken on the election of the Secretary of the Senate. The roll was called. The following Senators voted for Mr. Patrick E. Flahaven:

Ashbach	Dieterich	Langseth	Peterson, C. C.	Spear
Bang	Engler	Lantry	Peterson, D. L.	Stern
Belanger	Frank	Lessard	Peterson, R. W.	Stokowski
Benson	Frederick	Lindgren	Petty	Stumpf
Berg	Frederickson	Luther	Pillsbury	Taylor
Berglin	Hanson	Menning	Purfeerst	Tennessen
Bernhagen	Hughes	Merriam	Ramstad	Ulland
Bertram	Humphrey	Moe, D. M.	Renneke	Vega
Brataas	Johnson	Moe, R. D.	Rued	Waldorf
Chmielewski	Keefe	Nelson	Schmitz	Wegener
Dahl	Knoll	Nichols	Setzepfandt	Willet
Davies	Knutson	Olhoft	Sieloff	
Davis	Kroening	Pehler	Sikorski	
Dicklich	Kronebusch	Penny	Solon	

Mr. Patrick E. Flahaven received 67 votes of the members of the Senate and was duly elected Secretary of the Senate.

OATH OF OFFICE

The Secretary of the Senate advanced to the Bar of the Senate and subscribed to the oath of office as administered by the President.

ELECTION OF OFFICERS - CONTINUED

Mr. Moe, R. D. moved that the election of other elective officers be made on one roll call unless there should be more than one nomination for any office. The motion prevailed.

The following nominations were made:

Mr. Chmielewski nominated Marvin F. Raiola for Sergeant at Arms.

Mr. Tennessen nominated Janine Mattson for First Assistant Secretary.

Mr. Purfeerst nominated Patrice Urman for Second Assistant Secretary.

Mr. Wegener nominated Kay Ganje for Engrossing Secretary.

Mr. Willet nominated Catherine Morrison for Engrossing and Appointments Clerk.

Mr. Solon nominated Ralph Graham for Assistant Sergeant at Arms.

Mr. Humphrey nominated Sister Michelle McGurran for Chaplain.

The question was taken on the election of the above named nominees. The roll was called. The following Senators voted for the nominees:

Ashbach	Dieterich	Langseth	Peterson, C. C.	Spear
Bang	Engler	Lantry	Peterson, D. L.	Stern
Belanger	Frank	Lessard	Peterson, R. W.	Stokowski
Benson	Frederick	Lindgren	Petty	Stumpf
Berg	Frederickson	Luther	Pillsbury	Taylor
Berglin	Hanson	Menning	Purfeerst	Tennessen
Bernhagen	Hughes	Merriam	Ramstad	Ulland
Bertram	Humphrey	Moe, D. M.	Renneke	Vega
Brataas	Johnson	Moe, R. D.	Rued	Waldorf
Chmielewski	Keefe	Nelson	Schmitz	Wegener
Dahl	Knoll	Nichols	Setzepfandt	Willet
Davies	Knutson	Olhoft	Sieloff	
Davis	Kroening	Pehler	Sikorski	
Dicklich	Kronebusch	Penny	Solon	

The above named nominees, having received the majority vote of all members voting, were declared duly elected to their respective offices.

OATH OF OFFICE

The Sergeant at Arms, the First Assistant Secretary, the Second Assistant Secretary, the Engrossing Secretary, the Engrossing and Appointments Clerk, the Assistant Sergeant at Arms and the Chaplain advanced to the Bar of the Senate and subscribed to the oath of office as administered by the President.

MOTIONS AND RESOLUTIONS

Mr. Moe, R. D. introduced—

Senate Resolution No. 1: A Senate resolution naming a Majority Leader and a Minority Leader.

BE IT RESOLVED, by the Senate:

The Senate Majority Leader is Roger D. Moe. The Senate Minority Leader is Robert O. Ashbach.

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Mr. Moe, R.D. introduced —

Senate Resolution No. 2: A Senate resolution relating to rules; adopting temporary rules for the 72nd session of the Legislature.

BE IT RESOLVED, by the Senate:

The permanent rules of the Senate for the 71st session of the Legislature are adopted as the temporary rules of the 72nd session, to be effective until the adoption of permanent rules by a majority vote of the Senate, subject to the following conditions:

Any resolution or other question before the Senate may be brought to a vote at any time by a majority vote of the members present. No bill shall be introduced on the first day.

The rules referred to above are amended as follows:

HOUR OF CONVENING

2. The Senate shall convene on days of meeting at ~~10~~ *11* o'clock a.m. unless the Senate directs otherwise.

ORDER OF BUSINESS

7. The order of business is as follows:

1. Petitions, letters, remonstrances.

~~2. Introduction and first reading of Senate bills.~~

~~3~~ *2*. Executive and official communications.

~~4~~ *3*. Messages from the House of Representatives.

~~5~~ *4*. First reading of House bills.

~~6~~ *5*. Reports of committees.

(a) From standing committees.

(b) From select committees.

~~7~~ *6*. Second reading of Senate bills.

~~8~~ *7*. Second reading of House bills.

~~9~~ *8*. Motions and Resolutions.

~~10~~ *9*. Calendar.

~~11~~ *10*. Consent Calendar.

~~12~~ *11*. General Orders.

12. Introduction and first reading of Senate bills.

13. Announcements of Senate interest.

Under the order of business of Motions and Resolutions the Senate may by a majority vote of the whole Senate temporarily revert or proceed to any other order of business.

CALL OF THE SENATE

23. A member may impose a call of the Senate requiring the attendance of all members before any further proceedings occur except a motion to adjourn. Upon the imposition of a call, a record of those present shall be obtained, *upon the request of any member*, and the Sergeant at Arms instructed to bring in the absent members. When the Senate has been placed under call, the doors shall be closed and no member permitted to leave the Chamber until the matter or question, if any, under consideration at the time of the call is disposed of, or until the call is lifted by a majority vote of all the members of the Senate, or until the Senate adjourns. A majority vote of all the members of the Senate may excuse from attendance absent members not answering the call.

A call cannot be made after voting has commenced.

STANDING COMMITTEES

57. The standing committees of the Senate and their complement are as follows:

Agriculture and Natural Resources— ~~19~~ *18*

Commerce—15

Education— ~~16~~ *18*

Elections *and Reapportionment*— 11

Employment— ~~14~~ *13*

Energy and Housing— 14

Finance— ~~26~~ *21*

General Legislation and Administrative Rules— ~~14~~ *10*

Governmental Operations— ~~20~~ *12*

Health, Welfare and Corrections— ~~14~~ *13*

Judiciary— ~~16~~ *13*

Local Government *and Urban Affairs*—~~12~~ *13*

Public Employees and Pensions— 9

Rules and Administration— ~~22~~ *26*

Taxes and Tax Laws— ~~20~~ *21*

Transportation— 16

Veterans' Affairs— ~~14~~ *10*

The Committee on Rules and Administration may constitute a standing Subcommittee on Engrossing and Enrolling, the report of which within its jurisdiction has the effect of a report of the main Committee on Rules and Administration, and the reference under Rule 49 is made directly to this subcommittee.

The Committee on Rules and Administration may constitute a standing Subcommittee on Bill Scheduling, the report of which within its jurisdiction has the effect of a report of the main Committee on Rules and Administration, and the reference under Rule 42 is made directly to this subcommittee. The subcommittee shall consist of the Chairman of the Committee on Rules and Administration who shall serve as chairman of the subcommittee, the Vice-chairman of the Committee on Rules and Administration, the President, the Chairmen of the Committees on Finance and on Taxes and Tax Laws, and one member of the minority group.

The Committee on Rules and Administration may constitute a standing Subcommittee on Committees, the report of which within its jurisdiction has the effect of a report of the main Committee on Rules and Administration. The subcommittee shall consist of five members, one of whom shall be a member of the minority group.

Each standing committee of the Senate, including a subcommittee of the committee, is authorized at any time to sit and act, to investigate and take testimony on any matter within its jurisdiction, to report hearings held by it, and to make expenditures as authorized from time to time by the standing Committee on Rules and Administration. A standing committee, but not a subcommittee, may require by subpoena or otherwise the attendance and testimony of witnesses and the production of correspondence, books, papers, and documents, in the manner provided by Minnesota Statutes, Section 3.153.

EMPLOYEES AUTHORIZED IN THE SENATE

62. The Senate shall employ for the session the following:

NUMBER OF POSITIONS	POSITION	SALARY PER DAY
5	Administrative Assistant I	1 @ $58.81 1 @ $63.04

NUMBER OF POSITIONS	POSITION	SALARY PER DAY
	Administrative Assistant I—Continued	1 @ $75.28 1 @ $82.79 1 @ $82.94
1	Administrative Assistant II	$78.08
4	Administrative Secretary	3 @ $49.12 1 @ $52.00
1	Assistant Captain of Pages	$31.89
3	Assistant Public Information Officer I	1 @ $35.48 2 @ $42.47
1	Assistant Public Information Officer II	$48.68
1	Assistant Sergeant at Arms	$30.17
1	Captain of Pages	$34.21
1	Chaplain (several to serve during session)	$25.00
1	Chief Indexer	$65.77
10	Clerk I	5 @ $29.34 1 @ $31.00 3 @ $33.00 1 @ $36.28
5	Clerk Typist I	1 @ $29.78 1 @ $32.25 3 @ $33.45
10	Clerk Typist II	6 @ $33.00 1 @ $35.31 3 @ $37.36
16	Committee Administrative Assistant	2 @ $42.19 3 @ $44.38 2 @ $51.30 1 @ $57.21 8 @ $63.04
10	Committee Clerk	7 @ $30.68 1 @ $33.45 2 @ $35.11
17	Committee Secretary	6 @ $46.81 3 @ $49.12 8 @ $52.00
1	Computer Services Supervisor	$52.00
7	Computer Terminal Operator	4 @ $35.20 2 @ $37.66 1 @ $39.58
1	Duplicating Supervisor	$36.99
1	Engrossing and Appointments Clerk	$52.00

NUMBER OF POSITIONS	POSITION	SALARY PER DAY
1	Engrossing Secretary	$65.77
1	Executive Secretary I	$54.74
1	Executive Secretary II	$58.80
1	First Assistant Secretary of the Senate/Personnel Officer	$94.17
2	Fiscal Services Accountant	1 @ $46.58 1 @ $53.88
3	Indexer	1 @ $40.69 1 @ $45.94 1 @ $48.60
1	Legal Secretary I	$42.77
3	Legal Secretary II	$47.47
10	Legislative Assistant I	6 @ $35.29 2 @ $37.75 2 @ $39.73
5	Legislative Assistant II	3 @ $42.19 2 @ $53.74
2	Legislative Assistant III	1 @ $58.81 1 @ $63.04
2	Legislative Clerk I	$35.00
3	Legislative Clerk II	$41.05
1	Legislative Clerk III	$42.65
5	Legislative Fiscal Analyst	2 @ $65.74 1 @ $78.02 1 @ $99.77 1 @ $100.81
30	Page	26 @ $26.00 4 @ $28.00
1	Public Information Officer	$54.09
21	Researcher	2 @ $38.36 5 @ $41.10 3 @ $45.21 1 @ $46.58 1 @ $47.37 1 @ $49.32 1 @ $52.72 1 @ $57.93 1 @ $58.81 1 @ $60.28 1 @ $64.87 3 @ $76.71
1	Second Assistant Secretary of the Senate	$65.77

NUMBER OF POSITIONS	POSITION	SALARY PER DAY
20	Secretary	8 @ $41.18 6 @ $43.43 6 @ $45.94
1	Secretary to the Majority Leader	$58.80
1	Secretary to the Minority Leader	$58.61
1	Secretary of the Senate	$135.53
13	Senate Counsel	3 @ $52.06 1 @ $53.42 2 @ $64.92 1 @ $66.40 1 @ $73.07 1 @ $75.28 1 @ $79.44 1 @ $88.05 1 @ $105.49 1 @ $105.53
13	Senate Researcher	2 @ $39.73 1 @ $51.23 1 @ $55.94 1 @ $56.36 1 @ $64.04 1 @ $69.16 2 @ $69.86 1 @ $77.24 2 @ $84.76
1	Senate Research Assistant Director	$95.74
1	Senate Research Director	$123.21
6	Sergeant	$28.00
1	Sergeant at Arms	$47.82
15	Stenographer I	10 @ $36.05 5 @ $37.51
20	Stenographer II	4 @ $39.60 16 @ $42.77
1	Third Assistant Secretary of the Senate	$49.12
1	Word Processing Assistant Supervisor	$43.43
1	Word Processing Supervisor	$45.21

Appointment to the foregoing positions shall be made by resolution specifying the names of the appointees and the positions to which they are appointed, adopted by a majority of all members of the Senate.

Mr. Moe, R.D. moved the adoption of the foregoing resolution.

The question was taken on the adoption of the resolution.

The roll was called, and there were yeas 67 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Langseth	Peterson, C. C.	Spear
Bang	Engler	Lantry	Peterson, D. L.	Stern
Belanger	Frank	Lessard	Peterson, R. W.	Stokowski
Benson	Frederick	Lindgren	Petty	Stumpf
Berg	Frederickson	Luther	Pillsbury	Taylor
Berglin	Hanson	Menning	Purfeerst	Tennessen
Bernhagen	Hughes	Merriam	Ramstad	Ulland
Bertram	Humphrey	Moe, D. M.	Renneke	Vega
Brataas	Johnson	Moe, R. D.	Rued	Waldorf
Chmielewski	Keefe	Nelson	Schmitz	Wegener
Dahl	Knoll	Nichols	Setzepfandt	Willet
Davies	Knutson	Olhoft	Sieloff	
Davis	Kroening	Pehler	Sikorski	
Dicklich	Kronebusch	Penny	Solon	

The motion prevailed. So the resolution was adopted.

Mr. Moe, R. D. introduced—

Senate Concurrent Resolution No. 1: A Senate concurrent resolution relating to the adoption of temporary joint rules.

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

The Joint Rules of the Senate and the House of Representatives for the 70th Session are adopted as the Temporary Joint Rules of the 72nd Session, to be effective until the adoption of Permanent Joint Rules by the Senate and the House of Representatives.

Mr. Moe, R.D. moved the adoption of the foregoing resolution.

The question was taken on the adoption of the resolution.

The roll was called, and there were yeas 67 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Langseth	Peterson, C. C.	Spear
Bang	Engler	Lantry	Peterson, D. L.	Stern
Belanger	Frank	Lessard	Peterson, R. W.	Stokowski
Benson	Frederick	Lindgren	Petty	Stumpf
Berg	Frederickson	Luther	Pillsbury	Taylor
Berglin	Hanson	Menning	Purfeerst	Tennessen
Bernhagen	Hughes	Merriam	Ramstad	Ulland
Bertram	Humphrey	Moe, D. M.	Renneke	Vega
Brataas	Johnson	Moe, R. D.	Rued	Waldorf
Chmielewski	Keefe	Nelson	Schmitz	Wegener
Dahl	Knoll	Nichols	Setzepfandt	Willet
Davies	Knutson	Olhoft	Sieloff	
Davis	Kroening	Pehler	Sikorski	
Dicklich	Kronebusch	Penny	Solon	

The motion prevailed. So the resolution was adopted.

Mr. Moe, R.D. introduced —

Senate Resolution No. 3: A Senate resolution relating to standing committees.

BE IT RESOLVED, by the Senate:

The standing committees of the Senate for the 72nd session have the membership shown in this resolution.

AGRICULTURE AND NATURAL RESOURCES (18)

Merriam, Chairman
Setzepfandt, Vice Chairman
Berg
Bernhagen
Bertram
Davis
Engler
Frederickson
Langseth
Lessard
Luther
Nichols
Penny
Peterson, C.C.
Rued
Ulland
Wegener
Willet

COMMERCE (15)

Tennessen, Chairman
Stern, Vice Chairman
Ashbach
Bang
Benson
Brataas
Davies
Frank
Johnson
Keefe
Luther
Petty
Sikorski
Solon
Spear

EDUCATION (18)

Hughes, Chairman
Langseth, Vice Chairman
Benson
Davis
Dicklich
Dieterich
Humphrey
Lindgren
Merriam
Olhoft
Peterson, D.L.
Peterson, R.W.
Ramstad
Rued
Stokowski
Stumpf
Taylor
Wegener

ELECTIONS AND REAPPORTIONMENT (11)

Stumpf, Chairman
Moe, R.D., Vice Chairman
Berg
Dieterich
Hanson
Johnson
Nelson
Pillsbury
Renneke
Schmitz
Willet

EMPLOYMENT (13)

Chmielewski, Chairman
Nichols, Vice Chairman
Belanger
Bertram
Brataas
Dicklich
Frederick
Kroening
Moe, D.M.
Nelson
Pehler
Taylor
Vega

ENERGY AND HOUSING (14)

Humphrey, Chairman
Kroening, Vice Chairman
Belanger
Berglin
Bernhagen
Dahl
Kronebusch
Menning
Moe, D.M.
Olhoft
Peterson, R.W.
Stokowski
Ulland
Waldorf

FINANCE (21)

Willet, Chairman
Penny, Vice Chairman
Ashbach
Engler
Hughes
Humphrey
Keefe
Knoll
Knutson
Luther
Menning
Nelson
Pillsbury
Purfeerst
Renneke
Rued
Sikorski
Solon
Spear
Stumpf
Tennessen

GENERAL LEGISLATION AND ADMINISTRATIVE RULES (10)

Olhoft, Chairman
Stokowski, Vice Chairman
Bertram
Frank
Hughes
Kronebusch
Langseth
Sieloff
Taylor
Vega

GOVERNMENTAL OPERATIONS (12)

Knoll, Chairman
Pehler, Vice Chairman
Ashbach
Dicklich
Frank
Frederickson
Knutson
Kroening
Lindgren
Moe, D.M.
Stokowski
Wegener

HEALTH, WELFARE AND CORRECTIONS (13)

Solon, Chairman
Berglin, Vice Chairman
Benson
Brataas
Dicklich
Dieterich
Knutson
Lantry
Lindgren
Purfeerst
Sikorski
Stern
Waldorf

JUDICIARY (13)

Davies, Chairman
Peterson, R.W., Vice Chairman
Dahl
Hanson
Keefe
Knoll
Lessard
Merriam
Peterson, D.L.
Ramstad
Sieloff
Spear
Tennessen

LOCAL GOVERNMENT AND URBAN AFFAIRS (13)

Wegener, Chairman
Lessard, Vice Chairman
Belanger
Benson
Davies
Davis
Frederickson
Lantry
Pehler
Petty
Rued
Setzepfandt
Stern

PUBLIC EMPLOYEES AND PENSIONS (9)

Spear, Chairman
Moe, D.M., Vice Chairman
Berglin
Dahl
Frederickson
Nichols
Peterson, C.C.
Pillsbury
Renneke

RULES AND ADMINISTRATION (26)

Moe, R.D., Chairman
Hanson, Vice Chairman
Ashbach
Bang
Chmielewski
Davies
Dieterich
Frederick
Hughes
Humphrey
Johnson
Keefe
Knoll
Knutson
Merriam
Olhoft
Pillsbury
Purfeerst
Renneke
Schmitz
Solon
Spear
Stumpf
Tennessen
Wegener
Willet

TAXES AND TAX LAWS (21)

Johnson, Chairman
Peterson, C.C., Vice Chairman
Bang
Berg
Berglin
Bernhagen
Chmielewski
Davies
Dieterich
Frederick
Hanson
Merriam
Nichols
Olhoft
Pehler
Peterson, D.L.

TAXES AND TAX LAWS—Continued

Schmitz
Setzepfandt
Sieloff
Ulland
Vega

TRANSPORTATION (16)

Purfeerst, Chairman
Vega, Vice Chairman
Bang
Belanger
Chmielewski
Engler
Frederick
Kronebusch
Lantry
Lessard
Menning
Penny
Schmitz
Setzepfandt
Stern
Waldorf

VETERANS' AFFAIRS (10)

Schmitz, Chairman
Waldorf, Vice Chairman
Chmielewski
Hanson
Langseth
Peterson, C.C.
Petty
Ramstad
Sieloff
Taylor

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Mr. Moe, R.D. introduced —

Senate Resolution No. 4: A Senate resolution relating to employees; appointing persons as employees of the Senate for the 1981 session, in the positions and at the salaries heretofore established.

BE IT RESOLVED, by the Senate:

The following named persons are appointed for the 1981 session of the Legislature to the positions indicated at the salary for each position heretofore established:

POSITION	NAME
Administrative Assistant I	Bastian, Gary Greenwalt, James Hoium, David Lacher, Linda Norberg, Carl
Administrative Assistant II	Andrew, Mark
Administrative Secretary	Blockey, Jo Anne Bukosky, Joyce Catlin, Mary Geer, Vi
Assistant Captain of Pages	Ihrke, Joyce
Assistant Public Information Officer I	Neumann, Anita Strobel, Judy Senyk, Stephen

POSITION	NAME
Assistant Public Information Officer II	Nelson, Mark
Assistant Sergeant at Arms	Graham, Ralph
Captain of Pages	Satterlee, Mark
Chief Indexer	Jacobson, Ardis
Clerk I	Ferrozzo, Ernest Godeke, Joan Gross, Stephen Levenson, Joel Nash, Eleanor Stryski, Helen Uzuh, Sunday Yaple, David
Clerk Typist I	Brown, Betty Gran, Teresa Kalisch, Elizabeth Russell, Mary
Clerk Typist II	Burleigh, Barbara Diessner, Dorothy Lindquist, Jeannette Rogge, Flora Schifferle, Jill Spresser, Dolores Ulness, Geraldine Wiltscheck, Joyce
Committee Administrative Assistant	Ambrose, Robert Anderson, Lynn Bell, Patricia Carlson, Keith Foley, Kathleen Corrigan Glick, Barbara Greenfield, Marcia Haddeland, Connie Johnson-Gaines, Lucy Lorence, Jordan Michaels, Tim Nelson, Gene Skubic, Mark Supornick, David Ulrich, Dale Wilkie, Helen
Committee Clerk	Bachman, Peter Baumann, Bernard Becker, Pat Duchschere, Kevin Hartfiel, Sue Lindquist, Sven McLaughlin, Cathy
Committee Secretary	Block, Vicki Brown, Sandi

POSITION	NAME
Committee Secretary—Continued	
	Dario, Josie
	Dierckins, Eleanor
	Featherstone, Bonnie
	Kormendy, Peggy
	Jorovsky, Donald
	Mathisrud, Nancy
	Meryhew, Phyllis
	Mogush, Mary
	Peterson, Ruth
	Pirkl, Nancy
	Pruden, Jenifer
	Tyler, Sherry
	Van Wyk, Sandra
	Wendt, Sandy
Computer Services Supervisor	Bates, Bettye
Computer Terminal Operator	Carnel, Linda
	Kersting, Joan
	Kumma, Esther
	Peltier, Connie
	Reedy, Helen
	Warren, Josey
Duplicating Supervisor	McLaughlin, David
Engrossing and Appointments Clerk	Morrison, Cathy
Engrossing Secretary	Ganje, Kay
Executive Secretary I	Vos, Ardy
Executive Secretary II	Burrill, Sandra
First Assistant Secretary of Senate/Personnel Officer	Mattson, Janine
Fiscal Services Accountant	Gebhardt, Lucie
	Thompson, Mary
Indexer	Arth, Janet
	Johnson, Judy
	Rexford, Sue
Legal Secretary I	Johnson, Olga
Legal Secretary II	Carlson, Laurel
	DeLong, Lois
	Higby, Sheila
Legislative Assistant I	Eiden, Kris
	Elling, Danna
	Jacobson, Penny
	Mott, Daniel
	Markoff, Stuart
	Radosevich, Zora
	Silver, Marie
	Smith, Howard
	Stokes, Kim

POSITION	NAME
Legislative Assistant II	Burek, Kathleen Cardwell, Shirley DeLong, Pam Goff, Steven
Legislative Assistant III	Corbid, John Lund, Janet
Legislative Clerk I	Woessner, Ron
Legislative Clerk II	Fastner, Charles Finnegan, Allen Greeley, Sandra
Legislative Clerk III	Magnuson, Scott
Legislative Fiscal Analyst	Buelow, David Diercks, Richard Evenson, Earl Martyn, Patrick
Page	Ankel, Franziska Bauman, Ginger Garza, Christina Gelbmann, James Gillespie, Denise Haik, Paul Jordan, Charles Kolderie, Alan Lollar, Barbara McCarty, Marileah McWatt, Chris Merrill, LaNet Moosbrugger, Stephen Olson, Karen Palmer, Gwen Pusch, Greg Richards, Thomas Sander, Elizabeth Schultz, Gretchen Schifsky, Peter Shurson, Karen Skilbred, David Thompson, AudreyAnne Wiley, Jesse Woessner, Barbara
Public Information Officer	Clark, Karen
Researcher	Anderson, Denise Barnhart, Rochelle Bergquist, Gloria Bierman, William Failor, Gregory Goff, Rosemary Howey, Mary Joachim, Ray Karpinski, David

POSITION	NAME
Researcher—Continued	
	Katkov, David
	Kopach, Nina
	Kukielka, Thomas
	Lundell, Brad
	McPherson, Margaret
	Mitchell, Luci
	Mortensen, Sherri Lee
	Stieger, John
	Swanson, LaVerne
Second Assistant Secretary of the Senate	Urman, Patrice
Secretary	Carter, Linda
	Collins, Marge
	Gunville, Gloria
	Henning, Karen
	Holm, Emma
	Johnson, Cynthia
	Kalin, Kristi
	Kustelski, Jean
	LaRue, Sheryl
	Lewis, Marjorie
	McShea, Marge
	Muller, Linda
	Pletsch, Julie
	Selbitschka, Laura
	Stassen, Joanne
	Van Guilder, Joyce
	Wivell, Sharon
	Wyatt, Mary
	Young, Barbara
Secretary to the Majority Leader	Tischler, Ardella
Secretary to the Minority Leader	Houle, Romayne
Secretary of the Senate	Flahaven, Patrick
Senate Counsel	Becker, Gary
	Bush, Janel
	Driscoll, Michael
	Fredrickson, Larry
	Huskins, Deborah
	Jones, Larry
	McGowan, Daniel
	Morris, Julie Brunner
	Sellner, Joanne Zoff
	Wattson, Peter
	Williams, Alan
	Zwart, William
Senate Research	Brown, Jacquelyn
	Erickson, Terri
	Findley, Brian
	Fly, Frank

POSITION	NAME
Senate Research—Continued	
	Giel, David
	Hyduke, Paul
	Krupey, Joyce
	Maier, Robert
	Miller, Laura
	Sevra, Richard
	Smith, Dwight
	Stevenson, Sean
Senate Research Assistant Director	Lacy, Robert
Senate Research Director	Riemerman, William
Sergeant	Conway, Richard
	Graham, Robert
	Mareck, Al
	Orsello, Dan
	Roiblatt, Sam
	Zell, Willard
Sergeant at Arms	Raiola, Marvin
Stenographer I	Eddy, Kim
	Lowe, Moleen
	Medlock, Pam
	Messer, Betty Lou
	Nesvold, Barbara
	Smith, Antoinette
	Tatone, Kathy
Stenographer II	Christenson, Joyce
	Engelhard, Virginia
	Fine, Elizabeth
	Howe, Margaret
	Kennedy, Mary
	Lindorfer, Laura
	Lyons, Helen
	Martin, Barbara
	Mrja, Millie
	Ness, Patricia
	Parker, Rhoda
	Ringgold, Yvonne
	Robertson, Terri
	Steffel, Anne
	Swanholm, Judy
	Vogel, Marion
Third Assistant Secretary of the Senate	Barry, Colleen
Word Processing Assistant Supervisor	Meier, Lois
Word Processing Supervisor	Wicke, Carol

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Mr. Moe, R. D. introduced—

Senate Concurrent Resolution No. 2: A Senate concurrent resolution relating to parking space on the Capitol grounds, Capitol Approach and Aurora Avenue for members of the Legislature and staff.

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

The custodian of the Capitol shall reserve all parking space necessary on the Capitol grounds, Capitol Approach and Aurora Avenue for the use of the members and staff of the Legislature for the 72nd Session of the Legislature, allowing reasonable space for parking to the general public having business at the Capitol. The Committee on Rules and Administration of the Senate and the Committee on Rules and Legislative Administration of the House of Representatives are authorized to designate necessary personnel to assist the custodian of the Capitol in this matter.

The Secretary of the Senate and the Chief Clerk of the House of Representatives may deduct from the check of any legislator or legislative employee in each year of the 72nd Session of the Legislature a sum adequate to cover the exercise of the parking privilege herein defined in conformity with the practice of the Department of Administration.

Mr. Moe, R. D. moved the adoption of the foregoing resolution.

The question was taken on the adoption of the resolution.

The roll was called, and there were yeas 67 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Langseth	Peterson, C. C.	Spear
Bang	Engler	Lantry	Peterson, D. L.	Stern
Belanger	Frank	Lessard	Peterson, R. W.	Stokowski
Benson	Frederick	Lindgren	Petty	Stumpf
Berg	Frederickson	Luther	Pillsbury	Taylor
Berglin	Hanson	Menning	Purfeerst	Tennessen
Bernhagen	Hughes	Merriam	Ramstad	Ulland
Bertram	Humphrey	Moe, D. M.	Renneke	Vega
Brataas	Johnson	Moe, R. D.	Rued	Waldorf
Chmielewski	Keefe	Nelson	Schmitz	Wegener
Dahl	Knoll	Nichols	Setzepfandt	Willet
Davies	Knutson	Olhoft	Sieloff	
Davis	Kroening	Pehler	Sikorski	
Dicklich	Kronebusch	Penny	Solon	

The motion prevailed. So the resolution was adopted.

Mr. Moe, R.D. introduced—

Senate Resolution No. 5: A Senate resolution appointing a committee on mileage.

BE IT RESOLVED, by the Senate:

The following persons are appointed as a committee on mileage.

Messrs. Wegener, Dieterich and Keefe.

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Mr. Moe, R.D. introduced—

Senate Resolution No. 6: A Senate resolution relating to postage.

BE IT RESOLVED, by the Senate:

For the 1981 Session of the 72nd Legislature, the Secretary of the Senate may purchase postage to furnish each member of the Senate 3,000 stamps. Each member named as chairman of a standing committee in the Senate resolution designating committee assignments may be furnished with an additional 1,000 stamps for the necessary business of the committee.

An additional postage allowance of 1,000 stamps is authorized for the Minority Leader of the Senate, 1981 Session, Mr. Ashbach; the Assistant Majority Leader, 1981 Session, Mr. Hanson; the Assistant Minority Leader, 1981 Session, Mr. Bernhagen; the Minority Whip, 1981 Session, Mr. Frederick; and for the Assistant Minority Caucus Leader, 1981 Session, Mr. Knutson.

Each member of the Senate shall receipt to the Secretary of the Senate for the postage received.

Mr. Moe, R.D. moved the adoption of the foregoing resolution.

The question was taken on the adoption of the resolution.

The roll was called, and there were yeas 67 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Langseth	Peterson, C. C.	Spear
Bang	Engler	Lantry	Peterson, D. L.	Stern
Belanger	Frank	Lessard	Peterson, R. W.	Stokowski
Benson	Frederick	Lindgren	Petty	Stumpf
Berg	Frederickson	Luther	Pillsbury	Taylor
Berglin	Hanson	Menning	Purfeerst	Tennessen
Bernhagen	Hughes	Merriam	Ramstad	Ulland
Bertram	Humphrey	Moe, D. M.	Renneke	Vega
Brataas	Johnson	Moe, R. D.	Rued	Waldorf
Chmielewski	Keefe	Nelson	Schmitz	Wegener
Dahl	Knoll	Nichols	Setzepfandt	Willet
Davies	Knutson	Olhoft	Sieloff	
Davis	Kroening	Pehler	Sikorski	
Dicklich	Kronebusch	Penny	Solon	

The motion prevailed. So the resolution was adopted.

Mr. Moe, R.D. introduced—

Senate Resolution No. 7: A Senate resolution relating to informing the House of Representatives that the Senate is organized.

BE IT RESOLVED, by the Senate:

The Secretary of the Senate shall inform the House of Representatives that the Senate is now organized.

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Mr. Moe, R.D. introduced—

Senate Resolution No. 8: A Senate resolution relating to appointment of a committee to notify the Governor the Senate is organized.

BE IT RESOLVED, by the Senate:

The President of the Senate shall appoint a committee of eight to act with a similar committee of the House of Representatives to notify the Honorable Albert H. Quie, Governor of the State of Minnesota, that the Senate and House of Representatives are now fully organized pursuant to law and ready to receive

any message he may desire to give them.

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

APPOINTMENTS

Pursuant to the foregoing resolution, the President made the following appointments:

Messrs. Kroening; Ulland; Langseth; Pehler; Setzepfandt; Peterson, D.L.; Bang and Ms. Berglin.

Mr. Moe, R.D. introduced —

Senate Resolution No. 9: A senate resolution relating to the schedule of standing committee meetings.

BE IT RESOLVED, by the Senate:

The standing committees shall meet during the 72nd Legislature according to the following schedule:

SENATE COMMITTEE SCHEDULE
1981 Session

Committee	Chairman	Office Room Number	Direct Line Number	Hearing Room Number	Hour
		MONDAY			
			296-		
Employment	Chmielewski	325	8865	118	8-9:30 A.M.
Judiciary	Davies	27	4841	112	8-9:30 A.M.
General Legislation and Administrative Rules	Olhoft	29	8863	112	9:30-11 A.M.
Local Government and Urban Affairs	Wegener	328	4150	15	9:30-11 A.M.
Floor Session		Senate Chamber			11-12 Noon
Education	Hughes	328	4185	15	1- 3 P.M.
Public Employees and Pensions	Spear	323	8412	118	1- 3 P.M.
Transportation	Purfeerst	303	4186	112	1- 3 P.M.
Finance	Willet	121	6436	112	3- 6 P.M.
Taxes and Tax Laws	Johnson	205	4839	15	3- 6 P.M.
		TUESDAY			
Education	Hughes	328	4185	15	8-10 A.M.
Public Employees and Pensions	Spear	323	8412	118	8-10 A.M.
Transportation	Purfeerst	303	4186	112	8-10 A.M.
Commerce	Tennessen	309	4158	112	10-12 Noon
Energy and Housing	Humphrey	301	8864	118	10-12 Noon
Elections and Reapportionment	Stumpf	235	8866	112	3- 6 P.M.
Governmental Operations	Knoll	306	4175	15	1- 3 P.M.
Agriculture and Natural Resources	Merriam	24	4157	15	3- 6 P.M.
Health, Welfare and Corrections	Solon	303	4151	118	3- 6 P.M.

SENATE COMMITTEE SCHEDULE—(Cont'd)
1981 Session

Committee	Chairman	Office Room Number	Direct Line Number	Hearing Room Number	Hour
		WEDNESDAY			
Employment	Chmielewski	325	8865	118	8-10 A.M.
Judiciary	Davies	27	4841	112	8-10 A.M.
*Local Government and Urban Affairs	Wegener	328	4150	15	8-10 A.M.
Elections and Reapportionment	Stumpf	235	8866	112	1- 2 P.M.
Governmental Operations	Knoll	306	4175	15	1- 3 P.M.
Veterans' Affairs	Schmitz	235	1771	112	2- 3 P.M.
Finance	Willet	121	6436	112	3- 6 P.M.
Taxes and Tax Laws	Johnson	205	4839	15	3- 6 P.M.
		THURSDAY			
Employment	Chmielewski	325	8865	118	8-9:30 A.M.
Judiciary	Davies	27	4841	112	8-9:30 A.M.
General Legislation and Administrative Rules	Olhoft	29	8863	112	9:30-11 A.M.
Local Government and Urban Affairs	Wegener	328	4150	15	9:30-11 A.M.
Floor Session		Senate Chamber			11-12 Noon
Commerce	Tennessen	309	4158	112	1- 3 P.M.
Energy and Housing	Humphrey	301	8864	118	1- 3 P.M.
Agriculture and Natural Resources	Merriam	24	4157	15	3- 6 P.M.
Health, Welfare and Corrections	Solon	303	4151	118	3- 6 P.M.
		FRIDAY			
Education	Hughes	328	4185	15	8-10 A.M.
Public Employees and Pensions	Spear	323	8412	118	8-10 A.M.
Transportation	Purfeerst	303	4186	112	8-10 A.M.
Commerce	Tennessen	309	4158	112	10-12 Noon
Energy and Housing	Humphrey	301	8864	118	10-12 Noon
Governmental Operations	Knoll	306	4175	15	1- 3 P.M.
Veterans' Affairs	Schmitz	235	1771	112	1- 3 P.M.
Finance	Willet	121	6436	112	3- 6 P.M.
Taxes and Tax Laws	Johnson	205	4839	15	3- 6 P.M.
		ON CALL			
Education Aids Subcommittee	Dieterich	326	8867	15	
Rules and Administration	Moe, R.D.	208	4196	15	

*OPTIONAL

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

RECESS

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

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

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate and requested that a record be made of those present. The following Senators answered to their names:

Ashbach	Davis	Kronebusch	Peterson, C. C.	Solon
Bang	Dicklich	Lantry	Peterson, D. L.	Spear
Belanger	Dieterich	Lessard	Peterson, R. W.	Stern
Benson	Frank	Lindgren	Petty	Stokowski
Berg	Frederick	Luther	Pillsbury	Stumpf
Berglin	Frederickson	Menning	Purfeerst	Taylor
Bernhagen	Hanson	Moe, D. M.	Ramstad	Ulland
Bertram	Hughes	Moe, R. D.	Renneke	Vega
Brataas	Humphrey	Nelson	Rued	Waldorf
Chmielewski	Johnson	Nichols	Schmitz	Wegener
Dahl	Knoll	Olhoft	Setzepfandt	Willet
Davies	Knutson	Penny	Sikorski	

The Sergeant at Arms was instructed to bring in the absent members.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House of Representatives of the State of Minnesota is now duly organized pursuant to law and has elected the following officers:

Harry A. Sieben, Jr., Speaker

Edward A. Burdick, Chief Clerk

Betty M. Hayenga, First Assistant Chief Clerk

Albin A. Mathiowetz, Second Assistant Chief Clerk

Robert A. Marquardt, Postmaster

Teresa B. Kittridge, Assistant Postmaster

M. J. Hedstrom, Assistant Sergeant at Arms

Thomas R. Bartsch, Assistant Sergeant at Arms

Shirley Tschida, Assistant Sergeant at Arms

Stephen E. Fischer, Index Clerk

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted January 6, 1981

Mr. President:

I have the honor to announce that the House has appointed a committee of five members of the House to act with a like committee on the part of the Senate to notify the Governor that the House of Representatives and the Senate of the State of Minnesota are duly organized pursuant to law and are ready to receive any message that he may have.

Munger, Chairman; Rice; Wynia; Laidig and Sherman have been appointed to such committee on the part of the House.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted January 6, 1981

Mr. President:

I have the honor to inform the Senate that the House of Representatives is

duly organized pursuant to law and invites and is ready to meet with the Senate at 11:45 a.m., Wednesday, January 7, 1981, to receive the message of the Honorable Albert H. Quie, Governor of the State of Minnesota, said message to be delivered at 12:00 noon, Wednesday, January 7, 1981.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted January 6, 1981

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R. D. moved that the Senate accede to the request of the House of Representatives to meet in Joint Convention in the House Chamber at 11:45 a.m. Wednesday, January 7, 1981, to receive the message of The Honorable Albert H. Quie, Governor of the State of Minnesota. The motion prevailed.

Mr. Moe, R.D. introduced—

Senate Resolution No. 10: A Senate resolution relating to appointment of a committee to escort the Governor to the House Chamber for a Joint Convention.

BE IT RESOLVED, by the Senate:

The President of the Senate shall appoint a committee of five members of the Senate to act with a like committee on the part of the House of Representatives to escort the Honorable Albert H. Quie, Governor of the State of Minnesota, to the House Chamber on the occasion of the Joint Convention on Wednesday, January 7th, 1981, at 12:00 noon.

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

APPOINTMENTS

Pursuant to the foregoing resolution, the President made the following appointments:

Mr. Willet, Mrs. Lantry, Messrs. Renneke, Engler and Petty.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has appointed a committee of five members of the House to act with a similar committee on the part of the Senate to escort the Governor to the Joint Convention to be held in the House Chamber, Wednesday, January 7, 1981, said Joint Convention to be convened at 11:45 a.m. and said message of the Governor to be delivered at 12:00 noon.

Swanson, Norton, Staten, Forsythe and Schreiber have been appointed as members of such committee on the part of the House.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted January 6, 1981.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R. D. moved that the Senate do now adjourn until 11:30 a.m., Wednesday, January 7, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

SECOND DAY

St. Paul, Minnesota, Wednesday, January 7, 1981

The Senate met at 11:30 a.m. and was called to order by the President.

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

Ashbach	Dieterich	Langseth	Peterson, C. C.	Spear
Bang	Engler	Lantry	Peterson, D. L.	Stern
Belanger	Frank	Lessard	Peterson, R. W.	Stokowski
Benson	Frederick	Lindgren	Petty	Stumpf
Berg	Frederickson	Luther	Pillsbury	Taylor
Berglin	Hanson	Menning	Purfeerst	Tennessen
Bernhagen	Hughes	Merriam	Ramstad	Ulland
Bertram	Humphrey	Moe, D. M.	Renneke	Vega
Brataas	Johnson	Moe, R. D.	Rued	Waldorf
Chmielewski	Keefe	Nelson	Schmitz	Wegener
Dahl	Knoll	Nichols	Setzepfandt	Willet
Davies	Knutson	Olhoft	Sieloff	
Davis	Kroening	Pehler	Sikorski	
Dicklich	Kronebusch	Penny	Solon	

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 adoption by the House of the following Senate Concurrent Resolution, herewith returned:

Senate Concurrent Resolution No. 1: A Senate Concurrent Resolution relating to the adoption of temporary joint rules.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned January 6, 1981

Mr. President:

I have the honor to announce the adoption by the House of the following Senate Concurrent Resolution, herewith returned:

Senate Concurrent Resolution No. 2: A Senate Concurrent Resolution relating to parking space on the Capitol grounds, Capitol Approach and Aurora Avenue for members of the Legislature and staff.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned January 6, 1981

MOTIONS AND RESOLUTIONS

Messrs. Dicklich, Johnson and Solon introduced—

Senate Resolution No. 11: A Senate resolution extending best wishes to Minnesotans celebrating Christmas according to the Julian calendar.

WHEREAS, many Minnesotans celebrate Christmas according to the Julian calendar; and,

WHEREAS, Christmas on the Julian calendar will fall this year on January 7, 1981; and,

WHEREAS, the Senate desires to extend its best wishes to those celebrating Christmas on that day; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Minnesota, that wishes are extended to all people celebrating Christmas according to the Julian calendar with the hearty greeting of "Mir Boze Hristos Se Rodi."

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

RECESS

Mr. Moe, R.D. moved that the Senate do now recess until immediately after the conclusion of the Joint Convention. The motion prevailed.

The Senate reconvened at the appropriate time.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Hanson moved that the Senate do now adjourn until 11:00 a.m., Thursday, January 8, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRD DAY

St. Paul, Minnesota, Thursday, January 8, 1981

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

Prayer was offered by the Chaplain, Rev. Frank J. Decowski.

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

Ashbach	Davis	Kroening	Olhoft	Schmitz
Bang	Dicklich	Kronebusch	Pehler	Setzepfandt
Belanger	Dieterich	Langseth	Penny	Sikorski
Benson	Engler	Lantry	Peterson, C.C.	Spear
Berg	Frank	Lessard	Peterson, D.L.	Stern
Berglin	Frederick	Lindgren	Peterson, R.W.	Stokowski
Bernhagen	Frederickson	Luther	Petty	Stumpf
Bertram	Hanson	Menning	Pillsbury	Taylor
Brataas	Humphrey	Merriam	Purfeerst	Tennessen
Chmielewski	Johnson	Moe, R.D.	Ramstad	Ulland
Dahl	Keefe	Nelson	Renneke	Waldorf
Davies	Knutson	Nichols	Rued	Willet

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Hughes, Knoll, Sieloff, Solon and Vega were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT
File No. 773147

Elsa Carpenter,
Contestant,

vs.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Eric Petty,
Contestee.

Mr. Moe, R.D. moved that the above captioned document, together with the complete district court file, including pleadings, depositions, exhibits, and transcripts, be referred to the committee on Elections and Reapportionment. The motion prevailed.

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT
File No. 773200

In the matter of the Contest of the General Election for the Office of State Senator, held on November 4, 1980, Senatorial District 43, County of Hennepin, State of Minnesota.

Emily Anne Staples,
Contestant,
vs.
James Ramstad,
Contestee.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND MEMORANDUM

Mr. Moe, R.D. moved that the above captioned document, together with the complete district court file, including pleadings, depositions, exhibits, and transcripts, be referred to the Committee on Elections and Reapportionment. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Moe, R.D.; Ashbach and Hughes introduced—

S. F. No. 1: A bill for an act relating to education; requiring payment in fiscal 1982 of school aids not paid in fiscal 1981 because of spending reductions approved by the governor.

Referred to the Committee on Education.

Messrs. Lessard; Willet; Moe, R.D.; Rued and Peterson, C.C. introduced—

S. F. No. 2: A bill for an act relating to Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing and Morrison Counties; authorizing a joint board to prepare and implement a land use plan for the upper Mississippi River and adjacent lands.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Menning, Chmielewski, Bertram, Davis and Renneke introduced—

S. F. No. 3: A bill for an act relating to education; providing for a final adjustment payment of school aids to school districts for fiscal year 1981; appropriating money.

Referred to the Committee on Education.

Messrs. Menning, Bertram and Renneke introduced—

S. F. No. 4: A resolution memorializing the United States Congress relating to amending the United States Constitution to protect human life; applying to Congress to call a constitutional convention to provide for protection of all human life.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Ashbach, Lindgren and Keefe introduced—

S. F. No. 5: A bill for an act providing for establishment of the boundaries of congressional and legislative districts by a commission; providing by law for the duties, powers and operation of the commission; providing for judicial review of an apportionment plan; imposing duties on certain state officials; appropriating money; proposing new law coded as Minnesota Statutes, Chapter 2A; repealing Minnesota Statutes 1980, Sections 2.041 to 2.712 and 2.731 to 2.811.

Referred to the Committee on Elections and Reapportionment.

Mr. Penny introduced—

S. F. No. 6: A bill for an act relating to Independent School District No. 219, Elmore; requiring revision of its certified statutory operating debt.

Referred to the Committee on Education.

Mr. Olhoft introduced—

S. F. No. 7: A bill for an act relating to Traverse County; permitting the issuance of bonds by the county to provide funds for the construction, alteration, repair, and improvement of necessary buildings for county fair purposes, and to aid county agricultural societies to defray related financial obligations; providing for payment of the obligations.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Setzepfandt, Bertram and Menning introduced—

S. F. No. 8: A bill for an act relating to the city of New London; authorizing the issuance of bonds for the acquisition and betterment of a city hall, community center, and municipal library.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Nichols introduced—

S. F. No. 9: A bill for an act relating to natural resources; changing the definition of public waters; amending Minnesota Statutes 1980, Section 105.37, Subdivision 14.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Davies introduced—

S. F. No. 10: A bill for an act relating to intoxicating liquor; proof required to purchase, possess or consume; amending Minnesota Statutes 1980, Section 340.039.

Referred to the Committee on Commerce.

Mr. Davies introduced—

S. F. No. 11: A bill for an act relating to liens; increasing the amount of an employee's lien for wages; amending Minnesota Statutes 1980, Section 514.59.

Referred to the Committee on Employment.

Mr. Davies introduced—

S. F. No. 12: A bill for an act relating to eminent domain; providing for the taking of possession and title by the petitioner under certain circumstances; providing that certain payments deposited with the court shall be paid out under direction of the court; amending Minnesota Statutes 1980, Section 117.042.

Referred to the Committee on Judiciary.

Mr. Davies introduced—

S. F. No. 13: A bill for an act relating to crimes; eliminating the power of a sentencing court to stay the revocation of the driver's license of a person convicted of driving, operating or being in physical control of a motor vehicle while under the influence of alcohol or controlled substances or a combination thereof; amending Minnesota Statutes 1980, Sections 169.121, Subdivision 5; and 609.135, Subdivision 1.

Referred to the Committee on Judiciary.

Mr. Davies introduced—

S. F. No. 14: A bill for an act relating to statutes; defining terms; amending Minnesota Statutes 1980, Section 645.44.

Referred to the Committee on Judiciary.

Mr. Davies introduced—

S. F. No. 15: A bill for an act relating to statutes; providing a general reference for statutes that change dollar amounts to conform to price changes; proposing new law coded in Minnesota Statutes, Chapter 645.

Referred to the Committee on Judiciary.

Mr. Davies introduced—

S. F. No. 16: A bill for an act relating to probate; changing certain time limits and procedures for a personal representative to file an inventory and appraisement; amending Minnesota Statutes 1980, Section 524.3-706.

Referred to the Committee on Judiciary.

Mr. Davies introduced—

S. F. No. 17: A bill for an act relating to witnesses; exempting parents and minors from testifying with respect to confidential communications made by the minor to parent; amending Minnesota Statutes 1980, Section 595.02.

Referred to the Committee on Judiciary.

Mr. Davies introduced —

S. F. No. 18: A bill for an act relating to probate; eliminating requirement of notice to representatives of foreign countries in certain formal testacy proceedings; amending Minnesota Statutes 1980, Section 524.3-403.

Referred to the Committee on Judiciary.

Mr. Davies introduced—

S. F. No. 19: A bill for an act relating to eminent domain proceedings;

allowing an award of costs and attorneys' fees under certain circumstances; amending Minnesota Statutes 1980, Section 117.195.

Referred to the Committee on Judiciary.

Mr. Frederick, Mrs. Brataas, Messrs. Renneke and Olhoft introduced—

S. F. No. 20: A bill for an act relating to workers' compensation; prohibiting the payment of permanent total and permanent partial benefits for the same injury; creating an incentive to return to work; freezing the permanent partial maximum; amending Minnesota Statutes 1980, Sections 176.021, Subdivision 3; and 176.101, Subdivision 3.

Referred to the Committee on Employment.

Messrs. Olhoft, Menning and Bertram introduced—

S. F. No. 21: A bill for an act relating to workers' compensation; providing for commencement of payment for permanent partial disability upon the employee's return to work; allowing insurers to adjust compensation amounts to the nearest dollar; providing for a new minimum compensation for temporary total disability; empowering the commissioner of labor and industry to enter agreements; regulating notices of discontinuance; regulating payment disputes; providing for a new maximum compensation for permanent partial disability; providing for a waiting period before annual adjustments in benefits are made; providing for apportionment of compensation when a permanent disability involves a prior injury; setting a maximum death benefit; removing the conclusive presumption that certain diseases are occupational diseases for employees of fire and police departments, the Minnesota highway patrol, department of natural resources, state crime bureau and sheriffs' departments; providing for a statute of limitations for certain actions; prohibiting employees of the department of labor and industry from representing workers; requiring the commissioner of labor and industry to establish a schedule of degrees of disability; amending Minnesota Statutes 1980, Sections 176.011, Subdivision 15; 176.021, Subdivision 3, and by adding a subdivision; 176.041, by adding a subdivision; 176.101, Subdivisions 1 and 3; 176.105, Subdivision 1; 176.111, by adding a subdivision; 176.131, Subdivision 1; 176.151; 176.191, Subdivision 3; 176.241, Subdivisions 1, 2, and 3; 176.261; and 176.645.

Referred to the Committee on Employment.

Mr. Davies introduced—

S. F. No. 22: A bill for an act relating to insurance; authorizing the commissioner of public safety to issue a limited license to persons whose license has been revoked for failure to provide security required by the no-fault automobile insurance act; amending Minnesota Statutes 1980, Section 65B.67, by adding a subdivision.

Referred to the Committee on Commerce.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Mr. Olhoft moved that the names of Mr. Nichols and Mrs. Brataas be added as co-authors to S. F. No. 21. The motion prevailed.

Mr. Menning moved that the name of Mr. Chmielewski be added as co-author to S. F. No. 4. The motion prevailed.

Mr. Moe, R. D. moved that the Senate do now adjourn until 11:00 a.m., Monday, January 12, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

FOURTH DAY

St. Paul, Minnesota, Monday, January 12, 1981

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

Prayer was offered by the Chaplain, Rev. Neal E. Lloyd.

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

Ashbach	Dicklich	Kronebusch	Pehler	Sikorski
Bang	Dieterich	Langseth	Penny	Solon
Belanger	Engler	Lantry	Peterson, C.C.	Spear
Benson	Frank	Lessard	Peterson, D.L.	Stokowski
Berg	Frederick	Lindgren	Peterson, R.W.	Stumpf
Berglin	Frederickson	Luther	Petty	Taylor
Bernhagen	Hughes	Menning	Pillsbury	Tennessen
Bertram	Humphrey	Merriam	Purfeerst	Ulland
Brataas	Johnson	Moe, D.M.	Ramstad	Waldorf
Chmielewski	Keefe	Moe, R.D.	Renneke	Wegener
Dahl	Knoll	Nelson	Rued	Willet
Davies	Knutson	Nichols	Setzepfandt	
Davis	Kroening	Olhoft	Sieloff	

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. Hanson, Schmitz, Stern and Vega were excused from the Session of today.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to inform the Senate that the House of Representatives invites and is ready to meet with the Senate in Joint Convention at 12:00 noon, Thursday, January 15, 1981, to hear an address by the Honorable Walter F. Mondale, Vice President of the United States.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted January 9, 1981

Mr. Moe, R.D. moved that the Senate accede to the request of the House of Representatives to meet in Joint Convention in the House Chamber at 12:00 noon, Thursday, January 15, 1981, to hear an address by the Honorable Walter F. Mondale, Vice President of the United States. The motion prevailed.

MOTIONS AND RESOLUTIONS

Mr. Moe, R.D. moved that the name of Mr. Merriam be added as co-author to S. F. No. 1. The motion prevailed.

Mr. Ashbach moved that the names of Mrs. Kronebusch and Mr. Ramstad be added as co-authors to S. F. No. 5. The motion prevailed.

Mr. Nichols moved that the name of Mr. Setzepfandt be added as co-author to S. F. No. 9. The motion prevailed.

Mr. Davies moved that the name of Mr. Keefe be added as co-author to S. F. No. 14. The motion prevailed.

Mr. Davies moved that the name of Mr. Keefe be added as co-author to S. F. No. 16. The motion prevailed.

Mr. Davies moved that the name of Mr. Keefe be added as co-author to S. F. No. 17. The motion prevailed.

Mr. Davies moved that the name of Mr. Keefe be added as co-author to S. F. No. 18. The motion prevailed.

Mr. Davies moved that the name of Mr. Keefe be added as co-author to S. F. No. 19. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Sieloff and Ramstad introduced—

S. F. No. 23: A bill for an act relating to the recording of decrees and certificates in bankruptcy proceedings; providing for the admissibility of certificates as evidence; amending Minnesota Statutes 1980, Section 386.45.

Referred to the Committee on Judiciary.

Mr. Chmielewski introduced—

S. F. No. 24: A resolution memorializing the United States Congress relating to amending the United States Constitution to protect human life; applying to Congress to call a constitutional convention to provide for protection of all human life.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Spear, Tennessen, Keefe and Luther introduced—

S. F. No. 25: A bill for an act relating to courts; providing for an additional probate judge for Hennepin county; amending Minnesota Statutes 1980, Section 525.04.

Referred to the Committee on Judiciary.

Messrs. Renneke, Purfeerst, Humphrey, Setzepfandt and Taylor introduced—

S. F. No. 26: A bill for an act relating to the city of Madison Lake; authorizing the issuance of general obligation bonds for a municipal center.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Renneke; Purfeerst; Peterson, C.C. and Schmitz introduced—

S. F. No. 27: A bill for an act relating to retirement; allowing accrual of

service credit in excess of 40 years in a public retirement plan; repealing Minnesota Statutes 1980, Section 356.60.

Referred to the Committee on Public Employees and Pensions.

Messrs. Menning, Pillsbury and Luther introduced—

S. F. No. 28: A bill for an act relating to claims against the state; providing for payment of various claims; appropriating money.

Referred to the Committee on Finance.

Messrs. Setzepfandt, Purfeerst, Bernhagen, Penny and Peterson, C.C. introduced—

S. F. No. 29: A bill for an act relating to appropriations; appropriating funds for swine disease research at the University of Minnesota.

Referred to the Committee on Agriculture and Natural Resources.

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

S. F. No. 30: A bill for an act relating to public utilities; redefining the term "public utility" so as to exempt from public service commission jurisdiction certain small natural gas utilities; amending Minnesota Statutes 1980, Section 216B.02, Subdivision 4.

Referred to the Committee on Commerce.

Mr. Dieterich introduced—

S. F. No. 31: A bill for an act relating to transportation; restricting the powers of the commissioner of transportation with respect to a certain trunk highway within the city of St. Paul; proposing new law coded in Minnesota Statutes, Chapter 161.

Referred to the Committee on Transportation.

Messrs. Chmielewski and Nichols introduced—

S. F. No. 32: A bill for an act relating to cemeteries; requiring the maintenance of certain abandoned cemeteries; amending Minnesota Statutes 1980, Section 306.243, Subdivision 1.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Chmielewski introduced—

S. F. No. 33: A bill for an act relating to the city of Cloquet; permitting the city to contract, pay, and tax for certain public transportation services.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Chmielewski and Nichols introduced—

S. F. No. 34: A bill for an act relating to public welfare; allowing the commissioner of public welfare to grant a variance related to operators of licensed facilities whose licenses have been previously revoked; amending Minnesota Statutes 1980, Section 245.801, Subdivision 6.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Chmielewski and Nichols introduced—

S. F. No. 35: A bill for an act relating to taxation; income tax; providing for the postponement of income from certain sales of livestock; amending Minnesota Statutes 1980, Section 290.07, Subdivision 6.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Chmielewski and Nichols introduced—

S. F. No. 36: A bill for an act relating to local government; providing a tax levy for emergency preparedness; amending Minnesota Statutes 1980, Section 12.26, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Lindgren, Taylor and Peterson, D.L. introduced—

S. F. No. 37: A bill for an act relating to education; restoring school aids withheld in fiscal year 1981; appropriating money.

Referred to the Committee on Education.

Mr. Davies introduced—

S. F. No. 38: A bill for an act relating to crimes; prohibiting tattooing intoxicated persons; prescribing penalties; proposing new law coded in Minnesota Statutes, Chapter 609.

Referred to the Committee on General Legislation and Administrative Rules.

Mr. Davies introduced—

S. F. No. 39: A bill for an act proposing an amendment to the Minnesota Constitution, Article IV, Section 12; removing references to legislative days.

Referred to the Committee on Rules and Administration.

Mr. Davies introduced—

S. F. No. 40: A bill for an act relating to legal obligations; permitting legal enforcement of certain written obligations; enacting the uniform written obligations act; proposing new law coded in Chapter 513.

Referred to the Committee on Judiciary.

Mr. Davies introduced—

S. F. No. 41: A bill for an act relating to acknowledgement of instruments; providing that legal documents can be signed and certified to be true under penalty of perjury in lieu of acknowledgement in the presence of a notary public; prescribing penalties; amending Minnesota Statutes 1980, Section 609.48, Subdivision 1, and by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 358.

Referred to the Committee on Judiciary.

Mr. Davies introduced—

S. F. No. 42: A bill for an act relating to elections; permitting certain challenges to voters; providing procedures for election contests; clarifying

sanctions for campaign practices violations; amending Minnesota Statutes 1980, Sections 204A.32, Subdivision 4; 209.02, Subdivisions 3, 4, and 4a; 209.06, Subdivision 2; 209.09; 209.10, Subdivision 1; and 210A.39; proposing new law coded in Minnesota Statutes, Chapter 209.

Referred to the Committee on Elections and Reapportionment.

Mr. Davies introduced—

S. F. No. 43: A bill for an act relating to actions involving negligence; providing that contributory fault be measured against the aggregate fault of persons from whom recovery is sought; amending Minnesota Statutes 1980, Section 604.01, Subdivision 1.

Referred to the Committee on Judiciary.

Mr. Davies introduced—

S. F. No. 44: A bill for an act relating to commerce; interest rates on money; authorizing variable or indexed principal contracts; proposing new law coded in Minnesota Statutes, Chapter 334.

Referred to the Committee on Commerce.

Mr. Davies introduced—

S. F. No. 45: A bill for an act relating to civil actions; providing for recognition of money judgments of foreign states; providing that any party to a claim related to a foreign state may move for an order converting the alleged obligation to a domestic obligation; proposing new law coded in Minnesota Statutes, Chapter 548.

Referred to the Committee on Judiciary.

Mr. Davies introduced—

S. F. No. 46: A bill for an act relating to property; enacting the uniform disposition of community property rights at death act; proposing new law coded in Minnesota Statutes, Chapter 525.

Referred to the Committee on Judiciary.

Mr. Davies introduced—

S. F. No. 47: A bill for an act relating to creditor's remedies; enacting the uniform exemptions act; amending Minnesota Statutes 1980, Sections 69.61; 290.48, Subdivision 2; 290.92, Subdivision 6; 297A.33, Subdivision 6; 571.41, Subdivision 5; and 571.42, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 550; repealing Minnesota Statutes 1980, Sections 550.37; 550.38; 550.39 and 550.41.

Referred to the Committee on Judiciary.

Mr. Davies introduced—

S. F. No. 48: A bill for an act relating to juveniles; providing a juvenile with a right to jury trial when charged by petition with a felony; amending Minnesota Statutes 1980, Section 260.155, Subdivision 1.

Referred to the Committee on Judiciary.

Mr. Davies introduced—

S. F. No. 49: A bill for an act relating to probate; adopting provisions of the uniform probate code relating to intestate succession, spouse's elective share, omitted spouses and children, and certain allowances and exempt property; proposing new law coded in Minnesota Statutes, Chapter 524; repealing Minnesota Statutes 1980, Sections 525.13 to 525.16; 525.17; 525.171 to 525.202; and 525.212 to 525.216.

Referred to the Committee on Judiciary.

Mr. Nichols introduced—

S. F. No. 50: A bill for an act relating to workers' compensation; defining family farm corporation; reenacting Laws 1980, Chapter 556; amending Minnesota Statutes 1980, Section 176.011, Subdivision 11a.

Referred to the Committee on Employment.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:30 a.m., Thursday, January 15, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

FIFTH DAY

St. Paul, Minnesota, Thursday, January 15, 1981

The Senate met at 11:30 a.m. and was called to order by the President.

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

Ashbach	Dieterich	Kronebusch	Pehler	Sieloff
Bang	Engler	Langseth	Penny	Sikorski
Belanger	Frank	Lantry	Peterson, C.C.	Solon
Benson	Frederick	Lessard	Peterson, D.L.	Spear
Berg	Frederickson	Lindgren	Peterson, R.W.	Stokowski
Berglin	Hanson	Luther	Petty	Stumpf
Bernhagen	Hughes	Menning	Pillsbury	Taylor
Bertram	Humphrey	Merriam	Purfeerst	Tennessen
Chmielewski	Johnson	Moe, D.M.	Ramstad	Ulland
Dahl	Keefe	Moe, R.D.	Renneke	Vega
Davies	Knoll	Nelson	Rued	Waldorf
Davis	Knutson	Nichols	Schmitz	Wegener
Dicklich	Kroening	Olhoft	Setzepfandt	Willet

The President declared a quorum present.

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

MOTIONS AND RESOLUTIONS

Mr. Purfeerst moved that S. F. No. 33 be withdrawn from the Committee on Local Government and Urban Affairs and re-referred to the Committee on Transportation. The motion prevailed.

Mr. Menning moved that the name of Mr. Belanger be added as co-author to S. F. No. 4. The motion prevailed.

Mr. Nichols moved that the name of Mr. Renneke be added as co-author to S. F. No. 9. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Bertram be added as co-author to S. F. No. 24. The motion prevailed.

Mr. Setzepfandt moved that the name of Mr. Benson be added as co-author to S. F. No. 30. The motion prevailed.

Mr. Chmielewski moved that the names of Messrs. Nelson, Penny and Solon be added as co-authors to S. F. No. 32. The motion prevailed.

Mr. Nichols moved that the name of Mr. Pehler be added as co-author to S. F. No. 50. The motion prevailed.

Mr. Davies moved that the name of Mr. Merriam be added as co-author to S. F. No. 13. The motion prevailed.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess until immediately after the conclusion of the Joint Convention. The motion prevailed.

The Senate reconvened at the appropriate time.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate revert to the Order of Business of Reports of Committees. The motion prevailed.

REPORTS OF COMMITTEES

Mr. Moe, R.D. from the Committee on Rules and Administration, makes the following report: That the temporary rules of the Senate appearing in the Journal for the first day be amended as follows:

Rule 62. In the "Legislative Assistant II" classification under "Salary Per Day" delete "3" before "@ $42.19" and insert "1" Before "2 @ $53.74" insert "1 @ $43.84" and "1 @ $45.21"

In the "Researcher" classification under "Salary Per Day" delete "3" before "@ $45.21" and insert "4"

In the "Secretary" classification under "Salary Per Day" delete "8" before "@ $41.18" and insert "7" and delete "6" before "@ $45.94" and insert "7"

Mr. Moe, R.D. moved the adoption of the foregoing committee report. The motion prevailed. Report adopted.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved to amend temporary rule 62 in accordance with the Committee Report adopted today.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Lantry	Peterson, R.W.	Spear
Belanger	Frank	Lindgren	Petty	Stokowski
Benson	Frederickson	Luther	Pillsbury	Stumpf
Berg	Hanson	Merriam	Purfeerst	Taylor
Berglin	Humphrey	Moe, D.M.	Ramstad	Tennessen
Bernhagen	Johnson	Moe, R.D.	Renneke	Vega
Bertram	Keefe	Nelson	Rued	Waldorf
Dahl	Knoll	Olhoft	Schmitz	Willet
Davies	Knutson	Pehler	Setzepfandt	
Davis	Kroening	Penny	Sieloff	
Dicklich	Kronebusch	Peterson, C.C.	Sikorski	
Dieterich	Langseth	Peterson, D.L.	Solon	

The motion prevailed. So temporary rule 62 was amended.

Mr. Moe, R.D., for the Committee on Rules and Administration, offered the following resolution:

BE IT RESOLVED, by the Senate, that the following named persons be and are hereby appointed to the positions hereinafter stated and at the salaries heretofore fixed:

David Erickson, Researcher classification, effective January 14, 1981

Leslie Swanson, Researcher classification, effective January 14, 1981

Lois Wattman, Legislative Assistant classification, effective January 12, 1981

Roberta Pettit, Clerk Typist II classification, effective January 12, 1981

Barbara Martin, transferred from Steno II classification to Secretary classification, effective January 15, 1981

Rev. Frank J. Decowski, Chaplain, effective January 8, 1981

Rev. Neal E. Lloyd, Chaplain, effective January 12, 1981

Rev. Joseph Simonson, Chaplain, effective January 19, 1981

Rev. Raymond Monsour, Chaplain, effective January 22, 1981

Audrey Pohl, Clerk Typist II classification, effective January 19, 1981

Jonathan Leach, Committee Clerk classification, effective January 12, 1981

Cheryl Richter, Committee Secretary classification, effective January 6, 1981

Joan Pedersen, Steno I classification, effective January 16, 1981

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Mr. Moe, R.D. introduced—

Senate Resolution No. 12: A Senate resolution relating to the attendance of members of standing committees at meetings and seminars; providing for the payment of expenses thereby incurred.

BE IT RESOLVED, by the Senate:

Members of a standing committee or subcommittee of the Senate, and employees thereof, upon approval of the Committee on Rules and Administration, or the chairman thereof, may attend meetings and seminars, including but not limited to meetings of the National Conference of State Legislatures and the Council of State Governments and their committees, on subjects within the jurisdiction of the standing committee or subcommittee.

Expenses incurred in attending these meetings and seminars shall be paid by the Secretary of the Senate with warrants drawn on the Senate legislative expense fund.

The question was taken on the adoption of the resolution.

The roll was called, and there were yeas 54 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Langseth	Peterson, C.C.	Sieloff
Belanger	Engler	Lantry	Peterson, D.L.	Sikorski
Benson	Frederickson	Lindgren	Peterson, R.W.	Solon
Berg	Hanson	Luther	Petty	Spear
Berglin	Humphrey	Merriam	Pillsbury	Stokowski
Bernhagen	Johnson	Moe, D.M.	Purfeerst	Stumpf
Bertram	Keefe	Moe, R.D.	Ramstad	Taylor
Dahl	Knoll	Nelson	Renneke	Tennessen
Davies	Knutson	Olhoft	Rued	Vega
Davis	Kroening	Pehler	Schmitz	Waldorf
Dicklich	Kronebusch	Penny	Setzepfandt	

The motion prevailed. So the resolution was adopted.

Mr. Moe, R.D. introduced —

Senate Resolution No. 13: A Senate resolution relating to expenses of interns.

BE IT RESOLVED, by the Senate:

For the 1981 session of the 72nd Legislature, each member of the Senate may be reimbursed for the cost of meals and transportation furnished by the member to any volunteer interns assisting with the member's work, up to a maximum of $35 during each week the Legislature is in session.

Requests for reimbursement shall be submitted to the Secretary of the Senate monthly on forms provided for this purpose and shall include a certification by the member that the amounts for which reimbursement is sought have been paid to the interns.

The Secretary of the Senate shall prepare and issue warrants for payment of intern expenses from the Senate legislative expense fund.

The question was taken on the adoption of the resolution.

The roll was called, and there were yeas 55 and nays 2, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Penny	Setzepfandt
Bang	Dieterich	Langseth	Peterson, C.C.	Sieloff
Belanger	Engler	Lantry	Peterson, D.L.	Sikorski
Benson	Frank	Lindgren	Peterson, R.W.	Solon
Berg	Frederickson	Luther	Petty	Spear
Berglin	Hanson	Merriam	Pillsbury	Stokowski
Bernhagen	Humphrey	Moe, D.M.	Purfeerst	Stumpf
Bertram	Johnson	Moe, R.D.	Ramstad	Tennessen
Dahl	Keefe	Nelson	Renneke	Vega
Davies	Knoll	Olhoft	Rued	Waldorf
Davis	Kroening	Pehler	Schmitz	Willet

Messrs. Knutson and Taylor voted in the negative.

The motion prevailed. So the resolution was adopted.

Mr. Moe, D.M. and Ms. Berglin introduced —

Senate Resolution No. 14: A Senate resolution eulogizing Dr. Martin Luther King on the fifty-second anniversary of his birth.

WHEREAS, Dr. Martin Luther King, minister and humanitarian, dedicated his life to the pursuit of brotherhood, peace and justice for all women and men; and

WHEREAS, Dr. King while challenging discrimination remained devoted in principle and practice to the philosophy of non-violence; and

WHEREAS, Dr. King through his own dedication and eloquence was able to kindle the spirit of brotherhood in women and men of all races and creeds; and

WHEREAS, Dr. King gave the ultimate personal sacrifice for the cause of human rights; and

WHEREAS, the legacy and memory of Dr. King will continue to inspire good men everywhere to continue the struggle for human rights and justice; and

WHEREAS, today, Thursday, January 15, 1981, marks the fifty-second

anniversary of the birth of Dr. King; now, therefore,

BE IT RESOLVED, by the Senate of the State of Minnesota, that recognition and tribute be given to Dr. Martin Luther King on this, the fifty-second anniversary of his birth.

BE IT FURTHER RESOLVED, that the Secretary of the Senate of the State of Minnesota transmit a formal copy of this resolution to his wife, Mrs. Coretta King.

Mr. Moe, D.M. 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.

Messrs. Pehler, Davis and Dicklich introduced—

S. F. No. 51: A bill for an act relating to workers' compensation; defining family farm corporation; reenacting Laws 1980, Chapter 556; amending Minnesota Statutes 1980, Section 176.011, Subdivision 11a.

Referred to the Committee on Employment.

Messrs. Frank and Spear introduced—

S. F. No. 52: A bill for an act relating to elections; fair campaign practices; providing a penalty for denial of access to certain dwellings; amending Minnesota Statutes 1980, Section 210A.43, Subdivision 4.

Referred to the Committee on Elections and Reapportionment.

Messrs. Purfeerst and Engler introduced—

S. F. No. 53: A bill for an act relating to local government; permitting the city of Northfield to make payments to the town of Waterford as a condition of an annexation.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Dicklich and Johnson introduced—

S. F. No. 54: A bill for an act relating to recreation; extending protection from liability for recreational use of land to the state, governmental units and nonprofit corporations; amending Minnesota Statutes 1980, Sections 87.01; and 87.021, Subdivision 3.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Setzepfandt, Frederickson, Chmielewski, Dicklich and Johnson introduced—

S. F. No. 55: A bill for an act relating to elections; providing for voter registration cards to be supplied by the secretary of state; appropriating money; amending Minnesota Statutes 1980, Section 201.071, by adding a subdivision.

Referred to the Committee on Elections and Reapportionment.

Messrs. Dicklich and Johnson introduced—

S. F. No. 56: A bill for an act relating to insurance; broadening the scope of mandated group accident and health coverage for ambulatory mental health services; amending Minnesota Statutes 1980, Section 62A.152.

Referred to the Committee on Commerce.

Messrs. Spear, Sikorski, Johnson and Dicklich introduced—

S. F. No. 57: A bill for an act relating to public utilities; repealing authority for rate increases pending final commission approval; repealing Minnesota Statutes 1980, Sections 216B.16, Subdivision 3; and 237.075, Subdivision 3.

Referred to the Committee on Commerce.

Mr. Wegener introduced—

S. F. No. 58: A bill for an act relating to retirement; authorizing the purchase of prior service credit in the public employees retirement association by a certain county commissioner.

Referred to the Committee on Public Employees and Pensions.

Messrs. Dicklich, Johnson and Lessard introduced—

S. F. No. 59: A bill for an act relating to public lands; requiring approval of state land acquisitions by local authorities in certain counties; proposing new law coded in Minnesota Statutes, Chapter 15.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Waldorf, Merriam, Sieloff, Bertram and Lindgren introduced—

S. F. No. 60: A bill for an act relating to crimes; providing that whoever causes the death of a human being when committing certain crimes is guilty of murder in the first degree; amending Minnesota Statutes 1980, Sections 609.185 and 609.195.

Referred to the Committee on Judiciary.

Messrs. Frank and Nichols introduced—

S. F. No. 61: A bill for an act relating to workers' compensation; requiring notification to employers of rate increases; providing a penalty; proposing new law coded in Minnesota Statutes, Chapter 79.

Referred to the Committee on Employment.

Mr. Hanson introduced—

S. F. No. 62: A bill for an act relating to retirement; police survivor benefits in the city of Thief River Falls.

Referred to the Committee on Public Employees and Pensions.

Mr. Stumpf introduced—

S. F. No. 63: A bill for an act relating to retirement; specifying eligibility for early retirement health and welfare insurance coverage for certain employees of the city of St. Paul.

Referred to the Committee on Public Employees and Pensions.

Messrs. Davies, Johnson, Spear, Bernhagen and Ashbach introduced—

S. F. No. 64: A bill for an act relating to no-fault automobile insurance; increasing basic economic loss benefits; increasing the weekly maximums for certain first-party benefits; clarifying legislative intent concerning stacking of insurance policies; coordinating the priority of applicability of security for payment of certain benefits; increasing residual liability benefits; increasing certain uninsured benefits; establishing tort threshold limitations on uninsured motorist coverage; prohibiting short-term policies; providing mandatory underinsured motorist coverage; amending Minnesota Statutes 1980, Sections 65B.44, Subdivisions 1, 3, 6, and 7; 65B.47, Subdivision 2, and by adding subdivisions; and 65B.49, Subdivisions 3 and 4, and by adding subdivisions.

Referred to the Committee on Commerce.

Messrs. Davies, Spear and Keefe introduced—

S. F. No. 65: A bill for an act relating to the attorney general; providing that the attorney general shall render bond counsel services to state agencies and political subdivisions; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 8.

Referred to the Committee on Judiciary.

Messrs. Davies, Johnson, Spear and Keefe introduced—

S. F. No. 66: A bill for an act relating to commerce; expanding the definition of a "sale of goods" as it applies to consumer credit sales to include certain terminable bailments or leases; clarifying the interests of the respective parties; providing for a certain contract provision; amending Minnesota Statutes 1980, Sections 325G.15, Subdivision 5; and 325G.16, by adding subdivisions.

Referred to the Committee on Commerce.

Messrs. Davies, Renneke, Hanson and Stumpf introduced—

S. F. No. 67: A bill for an act relating to elections; prohibiting certain uses of campaign funds; providing a civil penalty; providing that compensation for personal services rendered to influence election of a candidate is not a prohibited expenditure; amending Minnesota Statutes 1980, Section 210A.19, Subdivision 1; and proposing new law coded in Minnesota Statutes, Chapter 210A.

Referred to the Committee on Elections and Reapportionment.

Messrs. Davies, Kroening, Hanson, Ulland and Pillsbury introduced—

S. F. No. 68: A bill for an act relating to correction and improvement of state laws; establishing a Minnesota law revision council; prescribing its duties and functions; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 3.

Referred to the Committee on Governmental Operations.

Messrs. Davies, Sieloff and Tennessen introduced—

S. F. No. 69: A bill for an act relating to statutes; providing that selected statutes shall be subject to judicial modification as is common law; proposing new law coded in Minnesota Statutes 1980, Chapter 645.

Referred to the Committee on Judiciary.

Messrs. Davies; Spear; Peterson, R.W.; Hanson and Sieloff introduced—

S. F. No. 70: A bill for an act relating to evidence; limiting the legislative history admissible to determine legislative intent; declaring testimony of certain individuals and certain kinds of records of legislative proceedings to be not relevant evidence of legislative intent; amending Minnesota Statutes 1980, Section 645.16; proposing new law coded in Minnesota Statutes, Chapter 599.

Referred to the Committee on Judiciary.

Messrs. Davies, Sieloff, Hanson and Peterson, R.W. introduced—

S. F. No. 71: A bill for an act relating to civil actions; providing a system for periodic payments of certain judgments; proposing new law coded in Minnesota Statutes, Chapter 548.

Referred to the Committee on Judiciary.

Mr. Davies introduced—

S. F. No. 72: A bill for an act relating to elections; providing a penalty for broadcasting certain false information; amending Minnesota Statutes 1980, Section 210A.04, Subdivision 1.

Referred to the Committee on Elections and Reapportionment.

Messrs. Wegener; Hanson; Peterson, C.C.; Davies and Bernhagen introduced—

S. F. No. 73: A bill for an act relating to commerce; limiting projects for municipal industrial development; repealing Minnesota Statutes 1980, Section 474.02, Subdivisions 1a and 1b.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Chmielewski introduced—

S. F. No. 74: A bill for an act relating to trade regulations; prescribing a penalty for the sale of imitation Indian-made goods without a brand; amending Minnesota Statutes 1980, Section 325F.46.

Referred to the Committee on General Legislation and Administrative Rules.

Messrs. Peterson, D.L.; Sieloff and Berg introduced—

S. F. No. 75: A bill for an act relating to taxation; income tax; abolishing the non-game wildlife checkoff; repealing Minnesota Statutes 1980, Section 290.431.

Referred to the Committee on Taxes and Tax Law.

Mr. Moe, R.D. introduced—

S. F. No. 76: A bill for an act relating to cities; increasing the amount of obligations that may be issued for television systems; validating prior issuances; amending Minnesota Statutes 1980, Section 465.70.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Davies, Sieloff and Peterson, R.W. introduced—

S. F. No. 77: A bill for an act relating to foreign corporations; removing certain deficiencies and ambiguities; defining certain activities that do not constitute transacting business in the state; and removing limitations on engaging in the business of making real estate loans; amending Minnesota Statutes 1980, Sections 303.02, Subdivision 3; 303.03; 303.04; and 303.25.

Referred to the Committee on Judiciary.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Monday, January 19, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

SIXTH DAY

St. Paul, Minnesota, Monday, January 19, 1981

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

Prayer was offered by the Chaplain, Rev. Joseph Simonson.

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

Ashbach	Dieterich	Lantry	Penny	Solon
Bang	Frank	Lessard	Peterson, C.C.	Spear
Belanger	Frederick	Lindgren	Peterson, D.L.	Stokowski
Benson	Frederickson	Luther	Peterson, R.W.	Stumpf
Bernhagen	Hanson	Menning	Petty	Taylor
Bertram	Hughes	Merriam	Purfeerst	Tennessen
Brataas	Humphrey	Moe, D.M.	Ramstad	Vega
Chmielewski	Keefe	Moe, R.D.	Renneke	Waldorf
Dahl	Knutson	Nelson	Schmitz	Wegener
Davies	Kroening	Nichols	Setzepfandt	Willet
Davis	Kronebusch	Olhoft	Sieloff	
Dicklich	Langseth	Pehler	Sikorski	

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

Ms. Berglin, Messrs. Berg, Engler, Johnson, Knoll, Pillsbury, Rued, Stern and Ulland were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

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

March 19, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointments to the State Zoological Board are hereby respectfully submitted to the Senate for confirmation as required by law:

Herbert R. Goldenberg, 4925 W. Coventry Road, Minnetonka, Hennepin County, has been appointed by me, effective March 11, 1980, for a term expiring the first Monday in January, 1984.

Harveydale Maruska, 198 South 5th Street, Warren, Marshall County, has

been appointed by me, effective March 11, 1980, for a term expiring the first Monday in January, 1984.

Hazel H. Reinhardt, 5116 Abercrombie Drive, Edina, Hennepin County, has been appointed by me, effective March 11, 1980, for a term expiring the first Monday in January, 1984.

(Referred to the Committee on General Legislation and Administrative Rules.)

May 1, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment to the Crime Control Planning Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Charlton Dietz, 1 Birch Lane, North Oaks, Ramsey County, has been appointed by me, effective May 1, 1980, for a term expiring the first Monday in January, 1981.

(Referred to the Committee on Health, Welfare and Corrections.)

June 3, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointments to the Minnesota Higher Education Facilities Authority are hereby respectfully submitted to the Senate for confirmation as required by law:

Leonard J. Rogge, 2237 Riverwood Place, St. Paul, Ramsey County, has been appointed by me, effective June 3, 1980, for a term expiring the first Monday in January, 1981.

Herbert M. Stellner, Jr., 208 2nd Avenue NW, Kasson, Dodge County, has been appointed by me, effective June 3, 1980, for a term expiring the first Monday in January, 1981.

(Referred to the Committee on Education.)

June 3, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment to the State Livestock Sanitary Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Dr. Robert L. Mersch, 301 E. Lincoln, Fairfax, Renville County, has been appointed by me, effective June 3, 1980, for a term expiring the first Monday in January, 1984.

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

May 12, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment to the State Board of Education is hereby respectfully submitted to the Senate for confirmation as required by law:

Margaret W. Marvin, Box 100, Warroad, Roseau County, has been appointed by me, effective May 12, 1980, for a term expiring the first Monday in January, 1984.

(Referred to the Committee on Education.)

June 5, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment as Director of the Department of Public Service, Administrative Division, is hereby respectfully submitted to the Senate for confirmation as required by law:

Richard L. Auld, 757 California Avenue West, St. Paul, Ramsey County, has been appointed by me, effective June 2, 1980, for a term expiring the first Monday in January, 1983.

(Referred to the Committee on Commerce.)

June 16, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment to the State Board of Education is hereby respectfully submitted to the Senate for confirmation as required by law:

William J. Ridley, 1562 Portland, St. Paul, Ramsey County, has been appointed by me, effective June 16, 1980, for a term expiring the first Monday in January, 1984.

(Referred to the Committee on Education.)

June 12, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointments to the Public Employment Relations Board are hereby respectfully submitted to the Senate for confirmation as required by law:

Thomas G. Arneson, 1159 Pike Lake Drive, New Brighton, Ramsey County, has been appointed by me, effective June 12, 1980, for a term expiring the first Monday in January, 1984.

Don L. Bye, 609 West Second Street, Duluth, St. Louis County, has been appointed by me, effective June 12, 1980, for a term expiring the first Monday in January, 1981.

Karl F. Landholm, 735 Arbogast, St. Paul, Ramsey County, has been appointed by me, effective June 12, 1980, for a term expiring the first Monday in January, 1982.

(Referred to the Committee on Public Employees and Pensions.)

April 14, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointments to the Capitol Area Architectural and Planning Board are hereby respectfully submitted to the Senate for confirmation as required by law:

Solveig Premack, 5226 Stevens Avenue, Minneapolis, Hennepin County, has been appointed by me, effective April 14, 1980, for a term expiring the first Monday in January, 1981.

A. William Sands, Jr., 869 Osceola Avenue, St. Paul, Ramsey County, has been appointed by me, effective April 14, 1980, for a term expiring the first Monday in January, 1984.

Marjorie Gray Vogel, 999 Kingman, Red Wing, Goodhue County, has been appointed by me, effective April 14, 1980, for a term expiring the first Monday in January, 1983.

(Referred to the Committee on Governmental Operations.)

March 17, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointments to the Board of the Arts are hereby respectfully submitted to the Senate for confirmation as required by law:

Philip Brunelle, 4211 Glencrest Road, Golden Valley, Hennepin County, has been appointed by me, effective March 17, 1980, for a term expiring the first Monday in January, 1984.

Mary E. Leach, 424 Prospect, Owatonna, Steele County, has been appointed by me, effective March 17, 1980, for a term expiring the first Monday in January, 1984.

Daniel K. Peterson, 5200 Drew Avenue South, Minneapolis, Hennepin County, has been appointed by me, effective March 17, 1980, for a term expiring the first Monday in January, 1984.

(Referred to the Committee on General Legislation and Administrative Rules.)

May 7, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointments to the State Designer Selection Board are hereby respectfully submitted to the Senate for confirmation as required by law:

Mark Anderson, 10320 South Shore Drive, Plymouth, Hennepin County, has been appointed by me, effective May 7, 1980, for a term expiring the first Monday in January, 1984.

Roger D. Clemence, 1904 Girard Avenue South, Minneapolis, Hennepin

County, has been appointed by me, effective May 7, 1980, for a term expiring the first Monday in January, 1982.

(Referred to the Committee on Governmental Operations.)

June 3, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment to the Environmental Education Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Lee H. Grim, P.O. Box 494A, Route 8, Forest Point, International Falls, Koochiching County, has been appointed by me, effective June 3, 1980, for a term expiring the first Monday in January, 1982.

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

May 29, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment to the State Board for Community Colleges is hereby respectfully submitted to the Senate for confirmation as required by law:

Elna H. Ponto, Box 235, Route 1, Albert Lea, Freeborn County, has been appointed by me, effective May 29, 1980, for a term expiring the first Monday in January, 1984.

(Referred to the Committee on Education.)

September 4, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment to the State Ethical Practices Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Judith G. Schotzko, R.R. #1, Blue Earth, Faribault County, has been appointed by me, effective September 4, 1980, for a term expiring the first Monday in January, 1983.

(Referred to the Committee on Elections and Reapportionment.)

September 15, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment to the State Ethical Practices Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Bruce W. Okney, 5128 Thomas Avenue South, Minneapolis, Hennepin County, has been appointed by me, effective September 15, 1980, for a term expiring the first Monday in January, 1983.

(Referred to the Committee on Elections and Reapportionment.)

Sincerely yours,
Albert H. Quie, Governor

REPORTS OF COMMITTEES

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

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

S. F. No. 12: A bill for an act relating to eminent domain; providing for the taking of possession and title by the petitioner under certain circumstances; providing that certain payments deposited with the court shall be paid out under direction of the court; amending Minnesota Statutes 1980, Section 117.042.

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

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

S. F. No. 13: A bill for an act relating to crimes; eliminating the power of a sentencing court to stay the revocation of the driver's license of a person convicted of driving, operating or being in physical control of a motor vehicle while under the influence of alcohol or controlled substances or a combination thereof; amending Minnesota Statutes 1980, Sections 169.121, Subdivision 5; and 609.135, Subdivision 1.

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

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

S. F. No. 16: A bill for an act relating to probate; changing certain time limits and procedures for a personal representative to file an inventory and appraisement; amending Minnesota Statutes 1980, Section 524.3-706.

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

Page 2, line 1, before "mail" insert "*either*"

Page 2, line 2, delete the comma

Page 2, line 2, delete "*he may*"

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

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

S. F. No. 50: A bill for an act relating to workers' compensation; defining family farm corporation; reenacting Laws 1980, Chapter 556; amending Minnesota Statutes 1980, Section 176.011, Subdivision 11a.

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

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

S. F. No. 1: A bill for an act relating to education; requiring payment in

fiscal 1982 of school aids not paid in fiscal 1981 because of spending reductions approved by the governor.

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

Delete everything after the enacting clause and insert:

"Section 1. [FULL PAYMENT OF EDUCATION AIDS.]

Subdivision 1. [PAYMENT REQUIRED.] *Notwithstanding the provisions of Minnesota Statutes 1980, Sections 16A.15 or 124.77, by August 1, 1981, the commissioner of finance shall draw warrants for any amounts appropriated to the commissioner of education, revenue or finance or to the department of education for state aids, payments, reimbursements or fund transfers to or on behalf of school districts, public library systems, educational cooperative service units, and regional management information centers, for the fiscal year ending June 30, 1981, which were withheld pursuant to Minnesota Statutes 1980, Sections 16A.15 and 124.77 because funds in the state treasury were insufficient.*

Subd. 2. [PROHIBITION ON USE OF RECEIPTS.] *Receipts from taxes or other sources credited to the general fund in the state treasury for fiscal year 1981 shall not be used to make the payments required by subdivision 1.*

Subd. 3. [FULL PAYMENT.] *Payments in full pursuant to this section shall constitute full satisfaction of the state's obligations under Minnesota Statutes 1980, Sections 124.77 and 124.78.*

Subd. 4. [APPROPRIATION.] *The amount necessary to make the payments required by subdivision 1 is appropriated from the general fund to the department of education for the fiscal year ending June 30, 1982. The payments required by subdivision 1 shall be considered a fiscal year 1982 liability for purposes of the state accounting system.*

Sec. 2. Minnesota Statutes 1980, Section 16A.15, Subdivision 1, is amended to read:

Subdivision 1. [REDUCTION.] In case the commissioner of finance shall discover at any time that the probable receipts from taxes or other sources for any appropriation, fund, or item will be less than was anticipated, and that consequently the amount available for the remainder of the term of the appropriation or for any allotment period will be less than the amount estimated or allotted therefor, he shall, with the approval of the governor, and after notice to the agency concerned, reduce the amount allotted or to be allotted so as to prevent a deficit. *Provided, however, no allotment pursuant to an appropriation for state aids, payments, reimbursements or fund transfers to or on behalf of school districts shall be reduced pursuant to this subdivision.* In like manner he shall request reduction of the amount allotted or to be allotted to any agency by the amount of any saving which can be effected upon previous spending plans through a reduction in prices or other cause.

Sec. 3. [REPEALER.]

Minnesota Statutes 1980, Sections 124.77 and 124.78 are repealed."

Delete the title and insert:

"A bill for an act relating to education; restoring education aids withheld in fiscal year 1981; providing for full payment of education aids in future years; repealing certain provisions relating to pro rata payment of education aids and reimbursements and certificates for the unpaid amounts; appropriating money;

amending Minnesota Statutes 1980, Section 16A.15, Subdivision 1; repealing Minnesota Statutes 1980, Sections 124.77 and 124.78."

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

SECOND READING OF SENATE BILLS

S. F. Nos. 12, 13, 16 and 50 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Moe, R.D. moved that the name of Mr. Wegener be added as co-author to S. F. No. 1. The motion prevailed.

Mr. Davies moved that the name of Mr. Lessard be added as co-author to S. F. No. 12. The motion prevailed.

Mr. Davies moved that the name of Mr. Lessard be added as co-author to S. F. No. 19. The motion prevailed.

Mr. Davies moved that the name of Mr. Dahl be added as co-author to S. F. No. 41. The motion prevailed.

Mr. Davies moved that the name of Mr. Frank be added as co-author to S. F. No. 48. The motion prevailed.

Mr. Dicklich moved that the names of Messrs. Lessard and Rued be added as co-authors to S. F. No. 54. The motion prevailed.

Mr. Spear moved that the name of Mr. Dahl be added as co-author to S. F. No. 57. The motion prevailed.

Mr. Davies moved that the name of Mr. Merriam be added as co-author to S. F. No. 65. The motion prevailed.

Mr. Davies moved that the name of Mr. Petty be added as co-author to S. F. No. 67. The motion prevailed.

Mr. Davies moved that the name of Mr. Merriam be added as co-author to S. F. No. 72. The motion prevailed.

Mr. Pehler introduced—

Senate Resolution No. 15: A Senate resolution recognizing the work of St. Cloud residents on the behalf of the disabled.

Referred to the Committee on Rules and Administration.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Lessard introduced—

S. F. No. 78: A bill for an act relating to intoxicating liquor; authorizing the sale and dispensing of liquor at the I.R.A. arena in Grand Rapids.

Referred to the Committee on Commerce.

Messrs. Solon, Johnson and Ulland introduced—

S. F. No. 79: A bill for an act relating to courts; changing the procedure whereby a judicial district administrator is appointed; amending Minnesota Statutes 1980, Section 484.68, Subdivision 1.

Referred to the Committee on Judiciary.

Mr. Stumpf introduced—

S. F. No. 80: A bill for an act relating to the collection and dissemination of data; administration of the state archives and state and local government records; classifying data; providing a penalty; amending Minnesota Statutes 1980, Sections 15.17, Subdivisions 1 and 4; 138.161; 138.17, Subdivisions 1, 6, 7, and by adding subdivisions; 138.19; 138.20; 138.21; proposing new law coded in Minnesota Statutes, Chapter 138; repealing Minnesota Statutes 1980, Sections 16.66 and 138.18.

Referred to the Committee on Governmental Operations.

Messrs. Nelson, Sikorski and Solon introduced—

S. F. No. 81: A bill for an act relating to hospitals; requiring adoption of federal medicare standards for hospital licensing; regulating hospital inspections; providing for licensing of hospitals accredited by the joint commission on hospital accreditation; amending Minnesota Statutes 1980, Sections 144.50, Subdivision 1; and 144.55.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Merriam; Peterson, C.C.; Johnson; Dieterich and Sieloff introduced—

S. F. No. 82: A bill for an act proposing an amendment to the Minnesota Constitution, Article X, adding a section; permitting state tax laws to adopt future federal tax law amendments by reference.

Referred to the Committee on Taxes and Tax Laws.

Mr. Nichols introduced—

S. F. No. 83: A bill for an act relating to real estate; directing a conveyance of the states right, title and interest in certain lands to Independent School District No. 417 of Tracy, Minnesota.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Chmielewski and Nichols introduced—

S. F. No. 84: A bill for an act relating to health; providing for financial assistance to persons with end stage renal disease; proposing new law coded in Minnesota Statutes, Chapter 256.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Setzepfandt, Schmitz, Pehler, Renneke and Rued introduced—

S. F. No. 85: A bill for an act relating to towns; providing for separate election of town supervisors; amending Minnesota Statutes 1980, Section 367.33, by adding a subdivision.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Wegener, Rued, Davis, Benson and Setzepfandt introduced—

S. F. No. 86: A bill for an act relating to towns; making authority to exercise certain powers optional with certain towns; amending Minnesota Statutes 1980, Section 368.01, Subdivision 1.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Bang introduced—

S. F. No. 87: A bill for an act relating to education; establishing a procedure for transferring certain territory from one school district to another; permitting a district from which territory was transferred to enroll certain students from the transferred territory under certain conditions; proposing new law coded in Minnesota Statutes, Chapter 122.

Referred to the Committee on Education.

Mr. Peterson, D.L. introduced—

S. F. No. 88: A bill for an act relating to the city of St. James; authorizing the issuance of revenue bonds for the acquisition and betterment of an airport facility.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Davies, Renneke and Hanson introduced—

S. F. No. 89: A bill for an act relating to elections; clarifying certain sanctions imposed for violation of fair campaign practices act; providing a good faith exception; amending Minnesota Statutes 1980, Section 210A.39.

Referred to the Committee on Elections and Reapportionment.

Messrs. Sieloff, Rued, Setzepfandt and Davies introduced—

S. F. No. 90: A bill for an act relating to taxation; income tax; providing that the one time exclusion of gain on sale of a residence is effective at the same time as effective for federal income tax purposes; amending Minnesota Statutes 1980, Section 290.01, Subdivision 20.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Dicklich, Bernhagen, Davis, Benson and Penny introduced—

S. F. No. 91: A bill for an act relating to natural resources; limiting state land acquisitions for certain purposes, by requiring sale of lands of equal value; proposing new law coded in Minnesota Statues, Chapter 94.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Merriam, Tennessen, Davies, Penny and Lindgren introduced—

S. F. No. 92: A bill for an act relating to crimes; prescribing penalties for the possession of controlled substances on school premises; amending Minnesota Statutes 1980, Section 152.15, by adding a subdivision.

Referred to the Committee on Judiciary.

Messrs. Petty, Spear, Bertram, Pillsbury and Belanger introduced—

S. F. No. 93: A bill for an act relating to commerce; providing for the regulation and licensing of precious metal dealers; establishing identification procedures and recording requirements; prohibiting certain transactions; providing for criminal and civil penalties; providing remedies; amending Minnesota Statutes 1980, Section 609.53, Subdivision 4, and by adding subdivisions; proposing new law coded in Minnesota Statutes, Chapter 325F.

Referred to the Committee on Commerce.

Mr. Davies introduced—

S. F. No. 94: A bill for an act relating to land transfers; adopting the uniform simplification of land transfers act; proposing new law coded as Minnesota Statutes, Chapter 506; repealing Minnesota Statutes 1980, Sections 507.24; 507.25; 507.26; 507.34; 507.35; 514.01 to 514.17; 541.02; 541.023; and 541.024.

Referred to the Committee on Judiciary.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Thursday, January 22, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

SEVENTH DAY

St. Paul, Minnesota, Thursday, January 22, 1981

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

Prayer was offered by the Chaplain, Rev. Winfield V. Johnson.

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

Ashbach	Dicklich	Lantry	Peterson, D.L.	Spear
Bang	Dieterich	Lessard	Peterson, R.W.	Stokowski
Belanger	Engler	Lindgren	Petty	Stumpf
Benson	Frank	Luther	Pillsbury	Taylor
Berg	Frederick	Menning	Purfeerst	Tennessen
Berglin	Frederickson	Moe, D.M.	Ramstad	Ulland
Bernhagen	Hughes	Moe, R.D.	Renneke	Vega
Bertram	Humphrey	Nelson	Rued	Waldorf
Brataas	Johnson	Nichols	Schmitz	Wegener
Chmielewski	Keefe	Olhoft	Setzepfandt	Willet
Dahl	Kroening	Pehler	Sieloff	
Davies	Kronebusch	Penny	Sikorski	
Davis	Langseth	Peterson, C.C.	Solon	

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. Hanson, Knoll, Knutson, Merriam and Stern were excused from the Session of today.

REPORTS AND RESOLUTIONS FILED DURING THE INTERIM WITH THE SECRETARY OF THE SENATE

Various reports were filed during the 1980 interim by Retirement and Relief Associations and are filed in the office of the Secretary of the Senate; also reports made by the Legislative Audit Commission on various state institutions and boards; Minneapolis Teachers' Retirement Fund Association, Seventieth Annual Report of the Board of Trustees, 1979; Northwest Regional Development Commission, Annual Report, 1979; Metropolitan Sports Facilities Commission, Small Business Procurement; Department of Education, Results of Pre-School Health Screening Programs; Minnesota Humanities Commission, Annual Report, 1980; Minnesota Pollution Control Agency, Division of Water Quality, Citizens' Guide to Minnesota's Water Quality Management Plan, 1980; Supreme Court, Report on Use of Para-Judicial Personnel in the

Minnesota Courts, 1980; Department of Public Welfare, Final Annual Services Program Plan, Oct. 1, 1980 to Sept. 30, 1981; Minnesota Board of Teaching, July 1, 1978 to June 30, 1980; Minnesota Board of Private Detective and Protective Agent Services, July 1, 1978 to June 30, 1980; Minnesota Board of Examiners for Nursing Home Administrators, July 1, 1978 to June 30, 1980; Minnesota Board of Pharmacy, July 1, 1978 to June 30, 1980; Minnesota Board of Chiropractic Examiners, July 1, 1978 to June 30, 1980; Minnesota Board of Nursing, July 1, 1978 to June 30, 1980; Minnesota Board of Dentistry, July 1, 1978 to June 30, 1980; Minnesota Board of Architecture, Engineering, Land Surveying and Landscape Architecture, July 1, 1978 to June 30, 1980; Minnesota Board of Peace Officer Standards and Training, July 1, 1978 to June 30, 1980; Minnesota Board of Electricity, July 1, 1978 to June 30, 1980; Minnesota Board of Veterinary Medicine, July 1, 1978 to June 30, 1980; Minnesota Board of Watchmakers, July 1, 1978 to June 30, 1980; Minnesota Board of Cosmetology, July 1, 1978 to June 30, 1980; Minnesota Board of Barber Examiners, July 1, 1978 to June 30, 1980; Minnesota Board of Podiatry, July 1, 1978 to June 30, 1980; Minnesota Board of Advisory Committee of Examiners in Mortuary Science, July 1, 1978 to June 30, 1980; Minnesota Board of Environmental Health Specialist/Sanitarian Advisory Council, July 1, 1978 to June 30, 1980; Minnesota Board of Advisory Council to the Hospital Administrator Registration Program, July 1, 1978 to June 30, 1980; Minnesota Board of Psychology, July 1, 1978 to June 30, 1980; Minnesota Board of Assessors, July 1, 1978 to June 30, 1980; University of Minnesota, Annual Report on the Small Business Procurement Act, 1979-80; Department of Administration, Commuter Van Program, Semi-Annual Report, 1980; Northwestern Regional Development Commission, Northwestern Arts Council Work Plan, 1981; Department of Transportation, Annual Small Business Report, 1980; Department of Administration, Annual Report on the Small Business Procurement Act, 1980; Humane Society, Biennial Report, July 1, 1978 to June 30, 1980; Indian Affairs Intertribal Board, 1980; State Board of Investment, Annual Report, 1980; Department of Labor and Industry, Biennial Report, 1978-80; Department of Education, Multi-county Multi-type Library Cooperation Program, 1980; Legislative Commission on Minnesota Resources, 1980; Department of Agriculture, Shade Tree Disease Report, 1980; Department of Transportation, Biennial Report, 1980; Department of Health, Report on the Maternal and Child Nutrition Act of 1975, 1980; Department of Labor and Industry, Advisory Council on Workers' Compensation, 1980; Department of Revenue, Real Estate Assessment/Sales Ratio Study, 1979; Legislative Commission on Pensions and Retirement, 1979-80; Revisor of Statutes, Certain Opinions of the Supreme Court, 1980; Department of Health, Division of Manpower, Summary of Health Related Regulatory Boards' Reports, 1979-80 Biennium; Pollution Control Agency, Biennial Report, 1980; Department of Transportation, Rail Users Loan Guarantee Program, 1980; Department of Agriculture, Weather Modification Activities, 1980; Department of Corrections, Biennial Report, 1979-80; State Board of Investment, Advisability of Investing Increased Portions of Funds in Ways Beneficial to All Minnesotans, 1980; Department of Public Safety, Bureau of Criminal Apprehension, 1980; Supreme Court, Report on Business Transacted in the Courts; University of Minnesota, Long-Range Plans for Expansion of Facilities.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

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

July 1, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment to the Workers' Compensation Court of Appeals is hereby respectfully submitted to the Senate for confirmation as required by law:

Raymond O. Adel, 2801 Nash Road, Brooklyn Center, Hennepin County, has been appointed by me, effective July 1, 1980, for a term expiring July 1, 1986.

(Referred to the Committee on Employment.)

October 1, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment to the State Board for Community Colleges is hereby respectfully submitted to the Senate for confirmation as required by law:

Sung Won Son, 2380 Cavell Avenue North, Golden Valley, Hennepin County, has been appointed by me, effective October 1, 1980, for a term expiring the first Monday in January, 1981.

(Referred to the Committee on Education.)

October 1, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment to the State University Board is hereby respectfully submitted to the Senate for confirmation as required by law:

John W. Borg, 5509 Columbus Avenue South, Minneapolis, Hennepin County, has been appointed by me, effective October 1, 1980, for a term expiring the first Monday in January, 1981.

(Referred to the Committee on Education.)

October 8, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment to the State Soil and Water Conservation Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Wayne C. Haglin, Route 2, Staples, Wadena County, has been appointed by me, effective October 8, 1980, for a term expiring the first Monday in January, 1982.

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

May 22, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment as Commissioner of the Department of Economic Development is hereby respectfully submitted to the Senate for confirmation as required by law:

Kent E. Eklund, 1520 Grantham, St. Paul, Ramsey County, has been appointed by me, effective May 19, 1980, for a term expiring the first Monday in January, 1983.

(Referred to the Committee on Employment.)

November 25, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment to the Cable Communications Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Martin J. Pinkney, 419 15th Street North, Moorhead, Clay County, has been appointed by me, effective November 25, 1980, for a term expiring the first Monday in January, 1982.

(Referred to the Committee on Commerce.)

April 7, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment to the Gillette Hospital Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Judge Sidney P. Abramson, 1690 Bohland Avenue, St. Paul, Ramsey County, has been appointed by me, effective April 7, 1980, for a term expiring the first Monday in January, 1983.

(Referred to the Committee on Health, Welfare and Corrections.)

Sincerely yours,
Albert H. Quie, Governor

REPORTS OF COMMITTEES

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

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

S. F. No. 7: A bill for an act relating to Traverse County; permitting the

issuance of bonds by the county to provide funds for the construction, alteration, repair, and improvement of necessary buildings for county fair purposes, and to aid county agricultural societies to defray related financial obligations; providing for payment of the obligations.

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

Page 1, line 26, before the semicolon, insert "*except as provided in paragraph (5) of this section*"

Page 1, delete line 27

Page 2, delete lines 6 through 12 and insert:

"*(3) The principal amount of the bonds shall not exceed $100,000;*"

Page 2, line 15, delete the period and insert "*; and*"

Page 2, after line 15, insert:

"*(5) The county board, prior to the issuance of any bonds authorized by section 1 and after adopting the resolution provided by paragraph (2), shall adopt a resolution by majority vote of the county board stating the amount, purpose and, in general, the security to be provided for the bonds, and shall publish the resolution once each week for two consecutive weeks in the medium of official and legal publication of the county. The bonds may be issued without the submission of the question of their issuance to the voters of the county unless within 21 days after the second publication of the resolution a petition requesting a referendum signed by at least ten percent of the registered voters of the county is filed with the county auditor. If a petition is filed, no bonds shall be issued unless approved by a majority of the voters of the county voting on the question of their issuance at a regular or special election.*"

Renumber the paragraphs in sequence

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

Mr. Willet from the Committee on Finance, to which was re-referred

S. F. No. 1: A bill for an act relating to education; restoring education aids withheld in fiscal year 1981; providing for full payment of education aids in future years; repealing certain provisions relating to pro rata payment of education aids and reimbursements and certificates for the unpaid amounts; appropriating money; amending Minnesota Statutes 1980, Section 16A.15, Subdivision 1; repealing Minnesota Statutes 1980, Sections 124.77 and 124.78.

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

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

S. F. No. 77: A bill for an act relating to foreign corporations; removing certain deficiencies and ambiguities; defining certain activities that do not constitute transacting business in the state; and removing limitations on engaging in the business of making real estate loans; amending Minnesota Statutes 1980, Sections 303.02, Subdivision 3; 303.03; 303.04; and 303.25.

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

Page 4, lines 20 and 25, strike "such" and insert "*the*"

Page 4, line 24, strike "such"

Page 5, lines 10 and 27, strike "such"

Page 5, line 15, strike "such" and insert "*the*"

Page 6, line 7, strike "such" and insert "*the*"

Page 6, line 8, delete "*such*"

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

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

S. F. No. 23: A bill for an act relating to the recording of decrees and certificates in bankruptcy proceedings; providing for the admissibility of certificates as evidence; amending Minnesota Statutes 1980, Section 386.45.

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

Page 1, line 22, delete "*the filing of a*"

Page 1, delete lines 23 and 24

Page 1, line 25, delete "*entry of orders or to the confirmation of plans*" and insert "*any matter involving the status of or disposition of the proceedings or pleadings, property of the estate or property of the debtor or documents or orders filed in the proceeding*"

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

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

S. F. No. 17: A bill for an act relating to witnesses; exempting parents and minors from testifying with respect to confidential communications made by the minor to parent; amending Minnesota Statutes 1980, Section 595.02.

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

Mr. Moe, R.D. from the Subcommittee on Bill Scheduling, to which were referred S. F. Nos. 50, 12, 13 and 16, makes the following report:

That the above Senate Files be placed on the General Orders Calendar in the order indicated.

That there were no other bills before the Subcommittee on which floor action was requested. Report adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 7, 1, 77, 23 and 17 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Sikorski introduced—

Senate Resolution No. 16: A Senate resolution recognizing Viola H.

Russell's outstanding service during her ten years as Executive Director of the Community Volunteer Service of the St. Croix Valley.

Referred to the Committee on Rules and Administration.

RECESS

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

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

Without objection, the Senate reverted to the Order of Business of Reports of Committees.

REPORTS OF COMMITTEES

Mr. Moe, R.D. from the Subcommittee on Bill Scheduling, to which were referred S. F. Nos. 1, 7, 17, 23 and 77, makes the following report:

That the above Senate Files be placed on the General Orders Calendar in the order indicated.

That there were no other bills before the Subcommittee on which floor action was requested.

Mr. Moe, R.D. moved the adoption of the foregoing committee report. The motion prevailed. Report adopted.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Keefe, Sikorski, Ramstad and Mrs. Kronebusch introduced—

S. F. No. 95: A bill for an act relating to public improvements; permitting deferral of special assessments in instances of hardship; amending Minnesota Statutes 1980, Section 435.193.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Setzepfandt introduced—

S. F. No. 96: A bill for an act relating to state property; providing for the conveyance to Kandiyohi County of a residence building in Sibley state park.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Wegener introduced—

S. F. No. 97: A bill for an act relating to agriculture; changing Todd County from area one to area four for the purposes of potato promotion; amending Minnesota Statutes 1980, Section 30.464, Subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Wegener, Bernhagen, Nichols, Chmielewski and Menning introduced—

S. F. No. 98: A bill for an act relating to local government; providing

conditions for the annexation of town territory to municipalities; providing for the membership of the municipal board; amending Minnesota Statutes 1980, Sections 414.01, Subdivision 2; and 414.031, Subdivision 4.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Nelson, Stumpf, Hanson and Moe, R.D. introduced—

S. F. No. 99: A bill for an act relating to elections; changing certain procedures and requirements relating to elections; amending Minnesota Statutes 1980, Sections 201.061, Subdivisions 1 and 3; 202A.22, Subdivision 1; 203A.13; 203A.31, Subdivision 3; 203A.32, Subdivision 3; 203A.33, Subdivision 4; 204A.14; 204A.29; 204A.34, Subdivision 2; 204A.44, Subdivision 1; 204A.45, Subdivision 1; 204A.47, Subdivision 1; 204A.49, Subdivision 1; 206.03; 206.20, Subdivision 2; 207.08, Subdivision 2; 208.03; 208.05; and 210A.39; repealing Minnesota Statutes 1980, Section 201.18.

Referred to the Committee on Elections and Reapportionment.

Messrs. Merriam and Sieloff introduced—

S. F. No. 100: A bill for an act relating to taxation; providing a credit against the income tax for contributions to candidates for local elective office and removing restriction concerning campaign expenditure limitation agreements; amending Minnesota Statutes 1980, Section 290.06, Subdivision 11.

Referred to the Committee on Elections and Reapportionment.

Messrs. Davies, Petty, Spear and Keefe introduced—

S. F. No. 101: A bill for an act relating to health care; prohibiting health care providers from providing professional services unless there is in effect an insurance policy covering claims which may arise from the provision of the services; proposing new law coded in Minnesota Statutes, Chapter 144.

Referred to the Committee on Commerce.

Messrs. Pehler, Davis, Setzepfandt, Engler and Bernhagen introduced—

S. F. No. 102: A bill for an act relating to towns; providing for certain notice requirements; amending Minnesota Statutes 1980, Section 365.12.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Berg, Benson, Taylor and Chmielewski introduced—

S. F. No. 103: A bill for an act relating to taxation; real property; providing a method for determining the value of agricultural land; amending Minnesota Statutes 1980, Section 273.11, Subdivision 1, and by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Mr. Knutson introduced—

S. F. No. 104: A bill for an act relating to alcoholic beverages; increasing the age for licensing, sale, consumption, possession and furnishing; amending Minnesota Statutes 1980, Sections 340.02, Subdivision 8; 340.035, Subdivision 1; 340.119, Subdivision 2; 340.13, Subdivision 12; 340.403, Subdivi-

sion 3; 340.73, Subdivision 1; 340.731; 340.78; 340.79; 340.80; and 340.81.

Referred to the Committee on Judiciary.

Messrs. Pehler, Dicklich and Davis introduced—

S. F. No. 105: A bill for an act relating to state government; creating an office for promotion of efficiency and productivity in state government; protecting state employees disclosing certain information; appropriating money; proposing new law coded in Minnesota Statutes, Chapters 15 and 43.

Referred to the Committee on Governmental Operations.

Messrs. Pehler and Davis introduced—

S. F. No. 106: A bill for an act relating to taxation; restricting the allowance of abortion expenses as a medical deduction for income tax purposes; amending Minnesota Statutes 1980, Section 290.09, Subdivision 10.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Pehler, Davis, Dicklich and Knoll introduced—

S. F. No. 107: A bill for an act relating to taxation; income tax; providing a credit for contributions to institutions of higher education; proposing new law coded in Minnesota Statutes, Chapter 290.

Referred to the Committee on Education.

Messrs. Dicklich and Johnson introduced—

S. F. No. 108: A bill for an act relating to public utilities; repealing authority of a public utility or telephone company to impose increased rates pending a final determination by the public utilities commission; repealing Minnesota Statutes 1980, Sections 216B.16, Subdivision 3; and 237.075, Subdivision 3.

Referred to the Committee on Commerce.

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

S. F. No. 109: A bill for an act relating to crimes; prohibiting assaulting a peace officer; prescribing penalties; amending Minnesota Statutes 1980, Section 609.224; proposing new law coded in Minnesota Statutes, Chapter 609.

Referred to the Committee on Judiciary.

Messrs. Olhoft, Bertram, Sikorski, Lessard and Knutson introduced—

S. F. No. 110: A bill for an act relating to health maintenance organizations; declaring legislative intent and public policy favoring childbirth over abortion; eliminating any requirements that health maintenance organizations provide elective, induced abortions; requiring the organizations to notify enrollees if elective, induced abortions are added to or eliminated from coverage; amending Minnesota Statutes 1980, Sections 62D.01, by adding a subdivision; 62D.02, Subdivision 7; 62D.07, Subdivision 4; 62D.20; and 62D.22, Subdivision 5.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Davies, Keefe and Peterson, R.W. introduced—

S. F. No. 111: A bill for an act relating to civil actions; providing an action

for wrongful death and providing for the survival of other actions after death; enacting the uniform survival and death act; proposing new law coded in Minnesota Statutes, Chapter 573; repealing Minnesota Statutes 1980, Sections 573.01; and 573.02.

Referred to the Committee on Judiciary.

Mr. Davies introduced—

S. F. No. 112: A bill for an act relating to real estate; enacting the uniform land transactions act; providing a comprehensive law to govern real estate transactions; amending Minnesota Statutes 1980, Sections 507.32; 513.01; 541.01; 582.01; 582.03; proposing new law coded as Minnesota Statutes, Chapter 506; repealing Minnesota Statutes 1980, Sections 507.07; 507.16; 513.04; 513.05; 559.17; 559.21; 559.213; 559.214; 581.01 to 581.11; 582.02; 582.04 to 582.10; 582.14; 582.15; and Chapter 580.

Referred to the Committee on Judiciary.

Mr. Davies introduced—

S. F. No. 113: A bill for an act relating to evidence; providing for audio-visual recording of evidence; enacting the Uniform Audio-Visual Deposition Act; proposing new law coded in Minnesota Statutes 1980, Chapter 600.

Referred to the Committee on Judiciary.

Mr. Davies introduced—

S. F. No. 114: A bill for an act relating to weights and measures; regulating and restricting conversion to the metric system of measurement; prescribing and limiting the powers and duties of public officers and agencies; enacting the uniform metric system procedure act; providing penalties; proposing new law coded in Minnesota Statutes, Chapter 239; repealing Minnesota Statutes 1980, Sections 239.001; 239.002; 239.003; and 239.004.

Referred to the Committee on General Legislation and Administrative Rules.

Mr. Davies introduced—

S. F. No. 115: A bill for an act relating to crimes; extending the coverage of the bribery law to the offering of bribes to owners and employees of the news media and the accepting of bribes by such persons; providing penalties; amending Minnesota Statutes 1980, Section 609.42, by adding a subdivision.

Referred to the Committee on Judiciary.

Mr. Davies introduced—

S. F. No. 116: A bill for an act relating to insurance; broadening the conversion privilege on group life insurance; amending Minnesota Statutes 1980, Section 61A.09, Subdivision 1.

Referred to the Committee on Commerce.

Mr. Purfeerst introduced—

S. F. No. 117: A bill for an act relating to taxation; gasoline tax; increasing

the tax on gasoline; amending Minnesota Statutes 1980, Section 296.02, Subdivision 1.

Referred to the Committee on Transportation.

Mr. Waldorf introduced—

S. F. No. 118: A bill for an act relating to crimes; prohibiting the furnishing of tobacco related devices to minors; prohibiting minors from using tobacco related devices; prescribing penalties; amending Minnesota Statutes 1980, Section 609.685.

Referred to the Committee on Judiciary.

Messrs. Bertram, Luther, Spear, Nelson and Setzepfandt introduced—

S. F. No. 119: A bill for an act relating to elections; prohibiting announcement of certain election results before the polls are closed; proposing new law coded in Minnesota Statutes, Chapter 204A.

Referred to the Committee on Elections and Reapportionment.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Monday, January 26, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

EIGHTH DAY

St. Paul, Minnesota, Monday, January 26, 1981

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

Prayer was offered by the Chaplain, Rev. David P. Rebeck.

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

Ashbach	Dieterich	Lantry	Peterson, D.L.	Stern
Bang	Engler	Lessard	Peterson, R.W.	Stokowski
Belanger	Frank	Lindgren	Petty	Stumpf
Benson	Frederick	Luther	Pillsbury	Taylor
Berg	Frederickson	Menning	Purfeerst	Tennessen
Berglin	Hanson	Merriam	Ramstad	Ulland
Bernhagen	Humphrey	Moe, D.M.	Renneke	Vega
Bertram	Johnson	Moe, R.D.	Rued	Waldorf
Brataas	Keefe	Nelson	Schmitz	Wegener
Chmielewski	Knoll	Nichols	Setzepfandt	Willet
Dahl	Knutson	Olhoft	Sieloff	
Davies	Kroening	Pehler	Sikorski	
Davis	Kronebusch	Penny	Solon	
Dicklich	Langseth	Peterson, C.C.	Spear	

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

Mr. Hughes was excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

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

February 28, 1979

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment as Commissioner of the Department of Labor and Industry is hereby respectfully submitted to the Senate for confirmation as required by law:

Harry D. Peterson, 210 East Laurel Street, Stillwater, Washington County, has been appointed by me, effective March 1, 1979, for a term expiring the first Monday in January, 1983.

(Referred to the Committee on Employment.)

March 8, 1979

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment as Commissioner of the Department of Administration is hereby respectfully submitted to the Senate for confirmation as required by law:

James Hiniker, 6833 Oaklawn Avenue, Edina, Hennepin County, has been appointed by me, effective March 12, 1979, for a term expiring the first Monday in January, 1983.

(Referred to the Committee on Governmental Operations.)

February 13, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment as Chairman of the State Health Coordinating Council is hereby respectfully submitted to the Senate for confirmation as required by law:

George Pettersen, 84 Malcolm SE, Minneapolis, Hennepin County, has been appointed by me, effective February 25, 1980, for a term expiring February 24, 1982.

For your information, pursuant to P.L. 96-79, which amends Titles XV and XVI of the Public Health Services Act, Section 1524(b)(2), the Governor is now given the authority to appoint the Chairman of the State Health Coordinating Council:

"The Governor may select, by and with the advice and consent of the State Senate, or, in the case of a State with a unicameral legislature, of the State legislature, the chairman of the SHCC from among the members of SHCC. If the Governor does not select the chairman, the SHCC shall select the chairman from among its members."

The State Health Coordinating Council is established pursuant to a gubernatorial Executive Order.

(Referred to the Committee on Health, Welfare and Corrections.)

March 27, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment as Director of the Minnesota Energy Agency is hereby respectfully submitted to the Senate for confirmation as required by law:

Mark E. Mason, Lowry Square Apartments, #901, 4th and Wabasha, St. Paul, Ramsey County, has been appointed by me, effective March 31, 1980, for a term expiring the first Monday in January, 1983.

(Referred to the Committee on Energy and Housing.)

Sincerely yours,
Albert H. Quie, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to inform the Senate that the House of Representatives invites and is ready to meet with the Senate at 11:50 a.m., Tuesday, January 27, 1981, to receive the budget message of the Honorable Albert H. Quie, Governor of the State of Minnesota. The message of the Governor will be delivered at 12:00 noon.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted January 22, 1981

Mr. Moe, R.D. moved that the Senate accede to the request of the House of Representatives to meet in Joint Convention in the House Chamber at 11:50 a.m., Tuesday, January 27, 1981, to receive the budget message of the Honorable Albert H. Quie, Governor of the State of Minnesota. The motion prevailed.

MOTIONS AND RESOLUTIONS

Mr. Bertram moved that his name be stricken as co-author to S. F. No. 21. The motion prevailed.

Mr. Bang moved that the name of Mr. Petty be added as co-author to S. F. No. 87. The motion prevailed.

Mr. Pehler moved that the name of Mr. Bertram be added as co-author to S. F. No. 106. The motion prevailed.

Mr. Pehler moved that the name of Mrs. Lantry be added as co-author to S. F. No. 107. The motion prevailed.

Mr. Dicklich moved that the name of Mr. Lessard be added as co-author to S. F. No. 108. The motion prevailed.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Olhoft in the chair.

After some time spent therein, the committee arose, and Mr. Olhoft reported that the committee had considered the following:

S. F. No. 1 which the committee recommends to pass, subject to the following motions:

Mr. Tennessen moved to amend S. F. No. 1 as follows:

Page 2, after line 30, insert:

"Sec. 3. Minnesota Statutes 1980, Section 124.71, is amended to read:

124.71 [TAX AND AID ANTICIPATION BORROWING; DEFINITIONS.]

Subdivision 1. School district as used in sections 124.71 to ~~124.78~~ *124.76* means any school district in the state of Minnesota, however organized and wherever located.

Subd. 2. Commissioner as used in sections 124.71 to ~~124.78~~ *124.76* means the commissioner of education of the state of Minnesota.

Sec. 4. Minnesota Statutes 1980, Section 124.72, is amended to read:

124.72 [APPLICATION OF LIMITING TAX LEGISLATION.]

Notwithstanding the provisions of section 471.69 or section 471.75, or of any other provision of law which by per capita limitation, mill rate limitation, or otherwise, limits the power of a school district to incur any debt or to issue any warrant or order, a school district has the powers in sections 124.71 to ~~124.78~~ *124.76* specifically conferred upon it and all powers incident and necessary to carrying out the purposes of sections 124.71 to ~~124.78~~ *124.76* .

Sec. 5. Minnesota Statutes 1980, Section 124.73, is amended to read:

124.73 [AUTHORITY TO BORROW MONEY, LIMITATIONS.]

Subdivision 1. The board of any school district may borrow money upon negotiable tax anticipation certificates of indebtedness, in the manner and subject to the limitations set forth in sections 124.71 to ~~124.78~~ *124.76* , for the purpose of anticipating general taxes theretofore levied by the district for school purposes, but the aggregate of such borrowing under this subdivision shall never exceed 50 percent of such taxes which are due and payable in the calendar year, and as to which taxes no penalty for nonpayment or delinquency has attached.

Subd. 2. The board may also borrow money in the manner and subject to the limitations set forth in sections 124.71 to ~~124.78~~ *124.76* in anticipation of receipt of state aids for schools as defined in Minnesota Statutes and of federal school aids to be distributed by or through the state department of education. The aggregate of such borrowings under this subdivision shall never exceed 75 percent of such aids which are receivable by said school district in the school year (from July 1 to June 30) in which the money is borrowed, as estimated and certified by the commissioner.

Sec. 6. Minnesota Statutes 1980, Section 124.781, is amended to read:

124.781 [LIMITATION ON TAX ANTICIPATION BORROWING.]

Except as approved by the commissioner, a district may not issue certificates of indebtedness pursuant to sections 124.71 to ~~124.78~~ *124.76* , for a larger proportion of its total anticipated tax or aid revenues than it borrowed against such revenues which were received in calendar 1973 with respect to tax revenues and in the 1972-1973 school year with respect to aid revenues."

Page 2, line 31, delete "3" and insert "7"

Amend the title as follows:

Page 1, line 8, delete "Section" and insert "Sections"

Page 1, line 8, after the semicolon insert "124.71; 124.72; 124.73; and 124.781;"

The motion prevailed. So the amendment was adopted.

Mr. Peterson, D.L. moved to amend S. F. No. 1 as follows:

Page 2, delete sections 2 and 3

Amend the title as follows:

Page 1, line 4, delete "repealing"

Page 1, delete lines 5 and 6

Page 1, line 7, delete "the unpaid amounts;"

Page 1, line 8, delete the semicolon and insert a period

Page 1, delete lines 9 and 10

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 21 and nays 45, as follows:

Those who voted in the affirmative were:

Ashbach	Bernhagen	Knutson	Pillsbury	Ulland
Bang	Engler	Kronebusch	Renneke	
Belanger	Frederick	Lindgren	Rued	
Benson	Frederickson	Nichols	Sieloff	
Berg	Keefe	Peterson, D.L.	Taylor	

Those who voted in the negative were:

Berglin	Frank	Luther	Peterson, C.C.	Spear
Bertram	Hanson	Menning	Peterson, R.W.	Stern
Brataas	Humphrey	Merriam	Petty	Stokowski
Chmielewski	Johnson	Moe, D.M.	Purfeerst	Stumpf
Dahl	Knoll	Moe, R.D.	Ramstad	Tennessen
Davies	Kroening	Nelson	Schmitz	Vega
Davis	Langseth	Olhoft	Setzepfandt	Waldorf
Dicklich	Lantry	Pehler	Sikorski	Wegener
Dieterich	Lessard	Penny	Solon	Willet

The motion did not prevail. So the amendment was not adopted.

Mr. Knutson moved to amend S. F. No. 1 as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 124.212, is amended by adding a subdivision to read:

Subd. 7e. For the 1982-1983 school year a district shall receive in foundation aid $1499 per pupil unit identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), less 21 mills times the 1980 adjusted assessed valuation of the district.

Sec. 2. Minnesota Statutes 1980, Section 275.125, Subdivision 2a, is amended to read:

Subd. 2a. (1) In ~~1979~~ *1981*, a school district may levy for all general and special school purposes, an amount equal to the amount raised by ~~23~~ *21* mills times the ~~1978~~ *1980* adjusted assessed valuation of the district.

(2) In 1980, a school district may levy for all general and special school purposes, an amount equal to the amount raised by 21 mills times the 1979 adjusted assessed valuation of the district.

(3) For any district levying less than 95 percent of the maximum levy allowable in clauses (1) and (2), the foundation aid to the district for the school year when the levy is recognized as revenue, calculated pursuant to section 124.212, subdivision 7c, clauses (1) and (6); or section 124.212, subdivision 7d, clauses (1) and (6); *or section 1;* or their successor provisions, as applicable, shall be reduced to an amount equal to the ratio between the actual levy and the maximum levy allowable under clauses (1) and (2) times the foundation aid calculated pursuant to section 124.212, subdivision 7c, clauses (1) and (6); or section 124.212, subdivision 7d, clauses (1) and (6); *or section 1;* or their successor provisions, as applicable, to which the district is otherwise entitled for that year. For purposes of computations pursuant to this clause, the maximum levy allowable and the actual levy under clauses (1) and (2) shall be increased by any reduction of this levy which is required by section 275.125, subdivision 9 or any other law.

(4) (a) The levy authorized by clauses (1) or (2) may be increased in any amount which is approved by the voters of the district at a referendum called for the purpose. Such a referendum may be called by the school board or shall be called by the school board upon written petition of qualified voters of the district. The referendum shall be held on a date set by the school board. Only one such election may be held to approve a levy increase which will commence in a specific school year. The question on the ballot shall state the maximum amount of the increased levy in mills, the amount that will be raised by that millage in the first year it is to be levied, and that the millage shall be used to finance school operations. The question may designate a specific number of years for which the referendum authorization shall apply. If approved, the amount provided by the approved millage applied to each year's taxable valuation shall be authorized for certification for the number of years approved, if applicable, or until revoked by the voters of the district at a subsequent referendum.

(b) A referendum on the question of revoking the increased levy amount authorized pursuant to clause (a) of this clause may be called by the school board and shall be called by the school board upon the written petition of qualified voters of the district. The amount approved by the voters of the district pursuant to clause (a) of this clause must be levied at least once before it is subject to a referendum on its revocation for subsequent years. Only one such revocation election may be held to revoke a levy for any specific year and for years thereafter.

(c) A petition authorized by clauses (a) or (b) of this clause shall be effective if signed by a number of qualified voters in excess of 15 percent, or ten percent if the school board election is held in conjunction with a general election, of the average number of voters at the two most recent district wide school elections. A referendum invoked by petition shall be held within three months of submission of the petition to the school board.

(d) Notwithstanding any law to the contrary, the approval of 50 percent plus one of those voting on the question is required to pass a referendum.

(e) Within 30 days after the district holds a referendum pursuant to this clause, the district shall notify the commissioner of education of the results of the referendum.

Sec. 3. [APPROPRIATION.]

The amount necessary to make the payments required by section 1 is appropriated from the general fund to the department of education for the fiscal year ending June 30, 1983."

Delete the title and insert:

"A bill for an act relating to education; providing for 1982-1983 foundation aid and the 1982-1983 basic maintenance levy; appropriating money; amending Minnesota Statutes 1980, Sections 124.212, by adding a subdivision; and 275.125, Subdivision 2a."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 12 and nays 53, as follows:

Those who voted in the affirmative were:

Berglin	Frederick	Kronebusch	Renneke	Sieloff
Bernhagen	Keefe	Nichols	Rued	Taylor
Engler	Knutson			

Those who voted in the negative were:

Ashbach	Dieterich	Lindgren	Peterson, D.L.	Stern
Bang	Frank	Luther	Peterson, R.W.	Stokowski
Belanger	Frederickson	Menning	Petty	Stumpf
Benson	Hanson	Merriam	Pillsbury	Tennessen
Bertram	Humphrey	Moe, D.M.	Purfeerst	Ulland
Brataas	Johnson	Moe, R.D.	Ramstad	Vega
Chmielewski	Knoll	Nelson	Schmitz	Waldorf
Dahl	Kroening	Olhoft	Setzepfandt	Wegener
Davies	Langseth	Pehler	Sikorski	Willet
Davis	Lantry	Penny	Solon	
Dicklich	Lessard	Peterson, C.C.	Spear	

The motion did not prevail. So the amendment was not adopted.

The question was taken on the recommendation to pass S. F. No. 1.

The roll was called, and there were yeas 63 and nays 3, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Langseth	Peterson, C.C.	Spear
Bang	Dieterich	Lantry	Peterson, D.L.	Stern
Belanger	Engler	Lessard	Peterson, R.W.	Stokowski
Benson	Frank	Lindgren	Petty	Stumpf
Berg	Frederick	Luther	Pillsbury	Taylor
Berglin	Frederickson	Menning	Purfeerst	Tennessen
Bernhagen	Hanson	Merriam	Ramstad	Ulland
Bertram	Humphrey	Moe, D.M.	Renneke	Vega
Brataas	Johnson	Moe, R.D.	Schmitz	Waldorf
Chmielewski	Keefe	Nelson	Setzepfandt	Wegener
Dahl	Knoll	Olhoft	Sieloff	Willet
Davies	Kroening	Pehler	Sikorski	
Davis	Kronebusch	Penny	Solon	

Messrs. Knutson, Nichols and Rued voted in the negative.

The motion prevailed. So S. F. No. 1 was recommended to pass.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Petty, Tennessen, Sieloff, Hanson and Dahl introduced—

S. F. No. 120: A bill for an act relating to corporations; modernizing and improving provisions governing business corporations; appropriating money; amending Minnesota Statutes 1980, Sections 53.01; 303.05, Subdivision 1; 308.341; 319A.03; 319A.05; 319A.12, Subdivisions 1a and 2; 319A.20; and 367.42, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 302A; repealing Minnesota Statutes 1980, Sections 301.01 to 301.67.

Referred to the Committee on Judiciary.

Messrs. Wegener and Setzepfandt introduced—

S. F. No. 121: A bill for an act relating to statutory cities; permitting publication of summaries of ordinances prior to enactment; amending Minnesota Statutes 1980, Section 412.191, Subdivision 4.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Schmitz introduced—

S. F. No. 122: A bill for an act relating to waters; providing state funds for improvement of Prior Lake in Scott County; appropriating money.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Schmitz introduced—

S. F. No. 123: A bill for an act relating to waste disposal; declaring unsuitability of a certain site for sewage sludge disposal.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Stumpf introduced—

S. F. No. 124: A bill for an act relating to retirement; including employees of soil and water conservation districts in membership in the public employees retirement association; amending Minnesota Statutes 1980, Sections 353.01, Subdivision 6; and 353.022.

Referred to the Committee on Public Employees and Pensions.

Messrs. Schmitz, Pillsbury and Davis introduced—

S. F. No. 125: A bill for an act relating to local government; authorizing certain cities and towns to levy an assessment for services provided to the Hennepin County Park Reserve District.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Solon introduced—

S. F. No. 126: A bill for an act relating to retirement; authorizing purchase of allowable service credit by certain members of the teachers retirement fund for prior service as nonpublic school teachers; proposing new law coded in Minnesota Statutes 1980, Chapter 354.

Referred to the Committee on Public Employees and Pensions.

Messrs. Chmielewski; Peterson, C.C.; Bernhagen; Knutson and Rued introduced—

S. F. No. 127: A bill for an act relating to crimes; regulating the possession and use of pistols; defining certain terms; property rights of certain persons in pistols; prohibiting discrimination in the issuance of permits to carry pistols; providing penalties; amending Minnesota Statutes 1980, Sections 624.712, Subdivisions 2, 4 and 5 and by adding a subdivision; 624.713; 624.7131, Subdivision 1; 624.714, Subdivisions 1, 5, 9, 10 and by adding a subdivision.

Referred to the Committee on Judiciary.

Messrs. Dicklich and Johnson introduced—

S. F. No. 128: A bill for an act relating to retirement; extending coverage in the public employees retirement association to certain employees; amending Minnesota Statutes 1980, Section 353.01, Subdivision 2a.

Referred to the Committee on Public Employees and Pensions.

Messrs. Olhoft; Bernhagen; Johnson; Peterson, C.C. and Nichols introduced—

S. F. No. 129: A bill for an act relating to taxation; income; allowing an

investment credit deduction; amending Minnesota Statutes 1980, Section 290.09, Subdivision 24.

Referred to the Committee on Taxes and Tax Laws.

Mr. Nichols introduced—

S. F. No. 130: A bill for an act relating to taxation; abolishing the native prairie credit; amending Minnesota Statutes 1980, Section 272.02, Subdivision 1; repealing Minnesota Statutes 1980, Section 273.116.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Petty, Dahl, Frank and Benson introduced—

S. F. No. 131: A bill for an act relating to mobile home parks; eliminating certain mobile home park reports made to the secretary of state; repealing Minnesota Statutes 1980, Section 327.29.

Referred to the Committee on Commerce.

Messrs. Solon and Ulland introduced—

S. F. No. 132: A bill for an act relating to retirement; Duluth teachers retirement fund association; authorizing an increase in retirement allowances and benefits for certain teachers; establishing a new coordinated retirement program within the retirement fund association; amending Minnesota Statutes 1980, Sections 354A.011, Subdivision 11; 354A.092; 354A.093; 354A.12, Subdivisions 1 and 2; 354A.24; 354A.32; 354A.39; and 354A.41.

Referred to the Committee on Public Employees and Pensions.

Messrs. Sieloff; Spear; Lindgren; Peterson, R.W. and Ramstad introduced—

S. F. No. 133: A bill for an act relating to probate; providing for filing of genealogical records; establishing fees; proposing new law coded in Minnesota Statutes, Chapter 525.

Referred to the Committee on Judiciary.

Messrs. Davis, Pehler, Bertram, Lessard and Rued introduced—

S. F. No. 134: A bill for an act relating to game and fish; validating fee receipts in instances where deer licenses are unavailable; amending Minnesota Statutes 1980, Section 98.45, Subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Solon and Ulland introduced—

S. F. No. 135: A bill for an act relating to retirement; authorizing certain persons to purchase prior service credit.

Referred to the Committee on Public Employees and Pensions.

Messrs. Solon and Ulland introduced—

S. F. No. 136: A bill for an act relating to elections; changing compensation

of certain election judges; amending Minnesota Statutes 1980, Section 204A.23.

Referred to the Committee on Elections and Reapportionment.

Messrs. Schmitz, Taylor and Menning introduced—

S. F. No. 137: A bill for an act relating to energy; modifying certain planning and zoning statutes to remove barriers to biomass energy production; amending Minnesota Statutes 1980, Sections 394.25, Subdivision 3; 394.27, Subdivision 7; and 462.357, Subdivisions 1 and 6.

Referred to the Committee on Energy and Housing.

Messrs. Chmielewski; Peterson, C.C.; Knutson; Nichols and Rued introduced—

S. F. No. 138: A bill for an act relating to game and fish; authorizing a season on Zenaidura macroura; setting maximum daily and possession limits; amending Minnesota Statutes 1980, Sections 100.27, Subdivision 6; and 100.28, Subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

Ms. Berglin; Messrs. Moe, D.M. and Spear introduced—

S. F. No. 139: A bill for an act relating to state employees; including the staff of the council on Black Minnesotans within the unclassified civil service; amending Minnesota Statutes 1980, Section 3.9225, Subdivision 5.

Referred to the Committee on Public Employees and Pensions.

Messrs. Setzepfandt; Peterson, C.C.; Penny; Purfeerst and Bernhagen introduced—

S. F. No. 140: A bill for an act relating to natural resources; changing the definition of public waters; amending Minnesota Statutes 1980, Section 105.37, Subdivision 14.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Setzepfandt, Dicklich, Wegener, Chmielewski and Frederickson introduced—

S. F. No. 141: A bill for an act relating to the state auditor; reducing the number of county audits; amending Minnesota Statutes 1980, Section 6.48.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Rued, Olhoft, Mrs. Lantry, Messrs. Frederickson and Belanger introduced—

S. F. No. 142: A bill for an act relating to towns; giving towns general powers to provide for town welfare by police, health and safety ordinances; amending Minnesota Statutes 1980, Section 365.10.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Davies, Spear, Pillsbury and Dahl introduced—

S. F. No. 143: A bill for an act relating to marriage; changing the liability of

spouses for certain debts; amending Minnesota Statutes 1980, Section 519.05.

Referred to the Committee on Judiciary.

Messrs. Davies, Pillsbury and Dahl introduced—

S. F. No. 144: A bill for an act relating to creditors' remedies; property exempt from attachment, garnishment or sale on any final process issued from any court; providing for an increase in the amount of the life insurance exemption and extending the class of those eligible to benefit; amending Minnesota Statutes 1980, Section 550.37, Subdivision 10.

Referred to the Committee on Judiciary.

Messrs. Wegener, Olhoft, Vega, Bang and Sieloff introduced—

S. F. No. 145: A bill for an act relating to crimes; authorizing notices of dishonored checks to be made by regular mail and an affidavit of service by mailing; amending Minnesota Statutes 1980, Section 609.535, Subdivision 3.

Referred to the Committee on General Legislation and Administrative Rules.

Mr. Nichols introduced—

S. F. No. 146: A bill for an act relating to workers' compensation; providing for insurance rate setting by individual insurance companies; eliminating duties of rating bureau of Minnesota; creating and eliminating duties for the commissioner of insurance; amending Minnesota Statutes 1980, Sections 70A.02; 70A.04, by adding a subdivision; 70A.09; 70A.19; 79.28; 79.29; 79.30; 79.31; 79.32; 79.35; 79.36; 79.39; 176.185, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 70A; repealing Minnesota Statutes 1980, Sections 79.01, Subdivisions 6 and 7; 79.071 to 79.27; 79.33; and 79.40.

Referred to the Committee on Employment.

Mr. Pillsbury introduced—

S. F. No. 147: A bill for an act relating to taxation; modifying the notification procedure prior to forfeiture of real property in certain cases; amending Minnesota Statutes 1980, Sections 279.37, Subdivision 6; and 281.13.

Referred to the Committee on Judiciary.

Messrs. Luther, Langseth, Dahl and Petty introduced—

S. F. No. 148: A bill for an act relating to solid waste; prohibiting retail sale of certain plastic nonrefillable beverage containers; imposing penalties; amending Minnesota Statutes 1980, Sections 116F.21; and 116F.22, Subdivision 2, and by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:30 a.m., Tuesday, January 27, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

NINTH DAY

St. Paul, Minnesota, Tuesday, January 27, 1981

The Senate met at 11:30 a.m. and was called to order by the President.

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

Ashbach	Dicklich	Kronebusch	Pehler	Sieloff
Bang	Dieterich	Langseth	Penny	Sikorski
Belanger	Engler	Lantry	Peterson, C.C.	Solon
Benson	Frank	Lessard	Peterson, D.L.	Spear
Berg	Frederick	Lindgren	Peterson, R.W.	Stokowski
Berglin	Frederickson	Luther	Petty	Stumpf
Bernhagen	Hanson	Menning	Pillsbury	Taylor
Bertram	Hughes	Merriam	Purfeerst	Ulland
Brataas	Humphrey	Moe, D.M.	Ramstad	Vega
Chmielewski	Johnson	Moe, R.D.	Renneke	Waldorf
Dahl	Keefe	Nelson	Rued	Wegener
Davies	Knoll	Nichols	Schmitz	Willet
Davis	Knutson	Olhoft	Setzepfandt	

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. Kroening, Stern and Tennessen were excused from the Session of today.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to inform the Senate that the House of Representatives has appointed a committee of five members of the House to act with a similar committee on the part of the Senate to escort the Governor to the Joint Convention to be held in the House Chamber, Tuesday, January 27, 1981. The Joint Convention will convene at 11:50 a.m. and the budget message of the Governor will be delivered at 12:00 noon.

Kalis, Dahlvang, Luknic, Kahn and Dean have been appointed as members of such committee on the part of the House.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted January 26, 1981

MOTIONS AND RESOLUTIONS

Mr. Moe, R.D. introduced—

Senate Resolution No. 17: A Senate resolution relating to appointment of a

committee to escort the Governor to the House Chamber for a Joint Convention.

BE IT RESOLVED, by the Senate:

The President of the Senate shall appoint a committee of five members of the Senate to act with a like committee on the part of the House of Representatives to escort the Honorable Albert H. Quie, Governor of the State of Minnesota, to the House Chamber on the occasion of the Joint Convention on Tuesday, January 27, 1981 at 12:00 noon.

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

APPOINTMENTS

Pursuant to the foregoing resolution, the President made the following appointments:

Messrs. Peterson, C.C.; Dahl; Dicklich; Benson and Mrs. Kronebusch.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Nichols moved that the names of Messrs. Pehler, Tennessen and Petty be added as co-authors to S. F. No. 146. The motion prevailed.

Mr. Sikorski moved that his name be stricken as co-author to S. F. No. 110. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Rued be stricken as co-author to S. F. No. 127. The motion prevailed.

Mr. Luther moved that the name of Mr. Pehler be added as co-author to S. F. No. 48. The motion prevailed.

Mr. Nichols moved that the name of Mr. Peterson, C.C. be added as co-author to S. F. No. 50. The motion prevailed.

Mr. Keefe moved that the name of Mr. Dahl be added as co-author to S. F. No. 95. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Lessard be added as co-author to S. F. No. 127. The motion prevailed.

Mr. Nichols moved that the name of Mr. Nelson be added as co-author to S. F. No. 146. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Merriam, Dieterich, Sikorski, Sieloff and Davies introduced—

S. F. No. 149: A bill for an act relating to delivery or filing of documents; providing for timely delivery or filing of certain documents with respect to weekends and holidays; proposing new law coded in Minnesota Statutes, Chapter 645.

Referred to the Committee on Judiciary.

Messrs. Dieterich, Hughes, Merriam, Langseth and Peterson, D.L. introduced—

S. F. No. 150: A bill for an act relating to education; requiring school boards to hold public hearings for all mill rate increases in the discretionary levy; amending Minnesota Statutes 1980, Section 275.125, Subdivision 7a.

Referred to the Committee on Education.

Mr. Frank, Mrs. Lantry, Ms. Berglin and Mrs. Stokowski introduced—

S. F. No. 151: A bill for an act relating to local government; regulating the zoning of battered women's shelters; amending Minnesota Statutes 1980, Section 462.357, Subdivisions 7 and 8.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Davies introduced—

S. F. No. 152: A bill for an act relating to retirement; authorizing the purchase of prior service credit by certain court reporters.

Referred to the Committee on Public Employees and Pensions.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess until immediately after the conclusion of the Joint Convention. The motion prevailed.

The Senate reconvened at the appropriate time.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Nelson moved that the Senate do now adjourn until 11:00 a.m., Thursday, January 29, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TENTH DAY

St. Paul, Minnesota, Thursday, January 29, 1981

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

Prayer was offered by the Chaplain, Rev. Carl A. Jensen.

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

Ashbach	Dieterich	Langseth	Peterson, C.C.	Spear
Bang	Engler	Lantry	Peterson, D.L.	Stern
Belanger	Frank	Lessard	Peterson, R.W.	Stokowski
Benson	Frederick	Lindgren	Petty	Stumpf
Berg	Frederickson	Luther	Pillsbury	Taylor
Berglin	Hanson	Menning	Purfeerst	Tennessen
Bernhagen	Hughes	Merriam	Ramstad	Ulland
Bertram	Humphrey	Moe, D.M.	Renneke	Vega
Brataas	Johnson	Moe, R.D.	Rued	Waldorf
Chmielewski	Keefe	Nelson	Schmitz	Wegener
Dahl	Knoll	Nichols	Setzepfandt	Willet
Davies	Knutson	Olhoft	Sieloff	
Davis	Kroening	Pehler	Sikorski	
Dicklich	Kronebusch	Penny	Solon	

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

Mr. Ashbach was excused from the Session of today at 11:15 a.m.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report on Permanent Rules and the report on mileage. The motion prevailed.

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

S. F. No. 8: A bill for an act relating to the city of New London; authorizing the issuance of bonds for the acquisition and betterment of a city hall, community center, and municipal library.

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

Page 1, line 15, after "*required*" insert "*except as provided in section 2*"

Page 1, line 22, delete "[APPROVAL.]" and insert "[REFERENDUM.]

The city council of New London, prior to the issuance of any bonds authorized by section 1, shall adopt a resolution stating the amount, purpose and, in general, the security to be provided for the bonds, and shall publish the resolution once each week for two consecutive weeks in the medium of official and legal publication of the city. The bonds may be issued without the submission of the question of their issuance to the voters of the city unless within 21 days after the second publication of the resolution a petition requesting a referendum signed by at least ten percent of the registered voters of the city is filed with the city clerk. If a petition is filed, no bonds shall be issued unless approved by a majority of the voters of the city voting on the question of their issuance at a regular or special election.

Sec. 3. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Page 1, delete lines 23 to 26

Page 2, delete lines 1 to 9

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

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

S. F. No. 26: A bill for an act relating to the city of Madison Lake; authorizing the issuance of general obligation bonds for a municipal center.

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

Page 1, lines 16 and 17, delete "*no election shall be required to authorize their issuance and*"

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

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

S. F. No. 92: A bill for an act relating to crimes; prescribing penalties for the possession of controlled substances on school premises; amending Minnesota Statutes 1980, Section 152.15, by adding a subdivision.

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

Mr. Wegener, from the Committee on Mileage, to which was referred the matter of reporting the miles traveled by members of the Senate for the 72nd Legislature, respectfully reports as follows:

MEMBER	MILEAGE
ASHBACH, Robert O.	16
BANG, Otto T., Jr.	38
BELANGER, William V., Jr.	46
BENSON, Duane D.	244

MEMBER	MILEAGE
BERG, Charles A.	370
BERGLIN, Linda	19
BERNHAGEN, John	152
BERTRAM, Joe	250
BRATAAS, Nancy	160
CHMIELEWSKI, Florian	210
DAHL, Gregory L.	22
DAVIES, Jack	16
DAVIS, Charles R.	130
DICKLICH, Ronald R.	380
DIETERICH, Neil	0
ENGLER, Steve	70
FRANK, Don	34
FREDERICK, Mel	118
FREDERICKSON, Dennis	240
HANSON, Marv	760
HUGHES, Jerome M.	10
HUMPHREY, Hubert H., III	50
JOHNSON, Douglas J.	460
KEEFE, John B.	50
KNOLL, Franklin J.	24
KNUTSON, Howard A.	44
KROENING, Carl W.	30
KRONEBUSCH, Patricia Louise	222
LANGSETH, Keith	230
LANTRY, Marilyn M.	11
LESSARD, Bob	620
LINDGREN, Steve	32.4
LUTHER, William P.	22
MENNING, Marion (Mike)	451
MERRIAM, Gene	47
MOE, Donald M.	0
MOE, Roger D.	530
NELSON, Tom A.	200
NICHOLS, Jim	406
OLHOFT, Wayne	360
PEHLER, James C.	140
PENNY, Timothy J.	179
PETERSON, Collin C.	410
PETERSON, Darrel L.	300
PETERSON, Randolph W.	58
PETTY, Eric D.	30
PILLSBURY, George S.	50
PURFEERST, Clarence M.	115
RAMSTAD, Jim	44
RENNEKE, Earl W.	146
RUED, Dave	252
SCHMITZ, Robert J.	96
SETZEPFANDT, A.O.H.	192
SIELOFF, Ron	13
SIKORSKI, Gerry	48
SOLON, Sam G.	320
SPEAR, Allan H.	16
STERN, Irving M.	32

MEMBER	MILEAGE
STOKOWSKI, Anne K.	24
STUMPF, Peter P.	2.4
TAYLOR, Glen	180
TENNESSEN, Robert J.	24
ULLAND, James	302
VEGA, Conrad M.	24
WALDORF, Gene	12
WEGENER, Myrton O.	330
WILLET, Gerald L.	410

Mr. Wegener moved the adoption of the foregoing Committee Report. The motion prevailed. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration makes the following report: That the temporary rules of the Senate appearing in the Journal for the first day be amended as follows:

Rule 62. In the "Senate Research" classification under "Salary Per Day" delete "1" before "@ $55.94" and insert "2"

Mr. Moe, R.D. moved the adoption of the foregoing Committee Report. The motion prevailed. Report adopted.

Mr. Moe, R. D. from the Committee on Rules and Administration makes the following report:

The permanent rules of the Senate for the 72nd Legislature shall read as follows:

"PERMANENT RULES OF THE SENATE

PARLIAMENTARY REFERENCE

1. The rules of parliamentary practice comprised in Mason's Manual of Legislative Procedure shall govern the Senate in all cases in which they are applicable, and in which they are not inconsistent with these rules and orders of the Senate and the joint rules and orders of the Senate and House of Representatives.

HOUR OF CONVENING

2. The Senate shall convene on days of meeting at 11 o'clock a.m. unless the Senate directs otherwise.

PRESIDENT

3. The President shall take the chair at the hour to which the Senate adjourned. He shall immediately call the members to order and, on the appearance of a quorum, shall proceed with the regular order of business. He shall preserve order and decorum, may speak on points of order in preference to members, and shall also decide all questions of order, subject to an appeal to the Senate by a member. An appeal is decided by a majority vote of those present and voting. Upon an appeal from the decision of the President, the question is, "Shall the decision of the President be the judgment of the Senate?"

SUBSTITUTES FOR THE PRESIDENT

4. The president may call a member to preside. In the absence of the President *the President Pro Tem shall preside over the Senate, and in the*

absence of both the President and the President Pro Tem, the Chairman of the Committee on Rules and Administration, or his designee, shall preside over the Senate. In the absence of *the President, the President Pro Tem, and* the Chairman, a member may be selected by the Senate to perform the duties of the President. Substitutions do not extend beyond adjournment.

ABSENCE OF ~~SENATORS~~ *MEMBERS*

5. No ~~Senator~~ *member* or officer of the Senate shall be absent from a session of the Senate unless excused by the Senate.

DECORUM DURING BUSINESS

6. When the President puts a question, or addresses the Senate, no one shall walk out of or cross the Chamber. When a member is speaking, no one shall pass between the member speaking and the President. No member, or other person, shall proceed to or remain by the Secretary's desk while the ~~ayes~~ *yeas* and nays are being called or counted. No member may speak without using a microphone.

ORDER OF BUSINESS

7. The order of business is as follows:

1. Petitions, letters, remonstrances.
2. Executive and official communications.
3. Messages from the House of Representatives.
4. First reading of House bills.
5. Reports of committees.
   (a) From standing committees.
   (b) From select committees.
6. Second reading of Senate bills.
7. Second reading of House bills.
8. Motions and Resolutions.
9. Calendar.
10. Consent Calendar.
11. General Orders.
12. Introduction and first reading of Senate bills.
13. Announcements of Senate interest.

Under the order of business of Motions and Resolutions the Senate may by a majority vote of the whole Senate temporarily revert or proceed to any other order of business.

CALENDAR

8. The Secretary shall make a Calendar of all bills, resolutions and other matters coming before the Senate for final action. He shall place them on the Calendar in the order in which they have been acted upon in Committee of the Whole. The Calendar shall be printed and placed upon the members' desks at

least one calendar day before the matters on it are considered.

CONSENT CALENDAR

9. If a committee determines that a bill it recommends to pass is of a routine nature or otherwise of a nature which likely will not be opposed, it may in its report recommend that the bill be placed on the Consent Calendar. If the report is adopted, the bill shall be printed and placed on the Consent Calendar after its second reading. On the question of adoption of the report the question of accepting the recommendation that the bill be placed on the Consent Calendar may be divided from the question of adopting the report in other respects.

A majority of the whole Senate , *or the Subcommittee on Bill Scheduling,* may order a bill on General Orders to be placed on the Consent Calendar.

The Consent Calendar consists of bills placed on it. Senate bills shall be positioned ahead of House bills. The Consent Calendar shall be printed and placed on the members' desks at least one calendar day before the matters on it are considered.

If a member objects to consideration of a bill on the Consent Calendar at any time during its consideration in the Senate before the question on final passage is put, and that objection is supported by at least two other members, the bill shall be referred to the ~~Subcommittee on Bill Scheduling of the~~ Committee ~~on Rules and Administration~~ *of the Whole, and shall be placed at the bottom of General Orders subject to Rule 11, except that it need not lie over one calendar day before consideration in the Committee of the Whole* .

SPECIAL ORDER

10. The Chairman of the Subcommittee on Bill Scheduling of the Committee on Rules and Administration, as authorized by the subcommittee, may designate a special order for a bill that has been given its second reading.

A special order shall provide that the bill be considered immediately, at a time certain, or after specific other business is completed.

During consideration of a special order, Rule 20 is suspended. As nearly as applicable, debate on the bill and all proceedings including amendments and substitutions shall be that of the Committee of the Whole.

On any question a member may call for the ~~ayes~~ *yeas* and nays which shall be entered in the Journal.

Unless it is otherwise disposed of, after consideration a bill on Special Orders of the Senate shall immediately proceed to its third reading and final passage.

GENERAL ORDERS

11. The Secretary shall make a list of all bills, resolutions, reports of committees, and other proceedings of the Senate, which are referred to the Committee of the Whole, and which are not made the order of the day, for a particular day, and number them. The lists are called the "General Orders". They shall be taken up in the order in which they are numbered unless otherwise ordered by a majority of the committee.

General Orders, together with all bills included on it required to be printed under the rules or orders of the Senate, shall be printed and placed upon the members' desks at least one calendar day before being considered in Committee of the Whole.

MOTIONS

12. When a motion is made it shall be stated by the President. If it is in writing it shall be handed to the Secretary and read to the members.

13. A motion or amendment shall be written if the president or a member requests. In that case it must be signed by the member or committee offering it.

14. After a motion is stated by the President, or read by the Secretary, it is in possession of the Senate, but may be withdrawn by the author at any time before decision or amendment.

PRECEDENCE OF MOTIONS

15. When a question is under debate no motion shall be received, except:

1. To adjourn.
2. To recess.
3. To reconsider.
4. To lay on the table.
5. For the previous question.

(Motions numbered 1, 2, 4 and 5 above shall be decided without debate.)

6. To refer.
7. To postpone to a day certain.
8. To amend.
9. To postpone indefinitely.

These several motions have precedence in the foregoing order; but when a motion for the previous question has been seconded, or the main question ordered, a motion to lay on the table is not in order.

A motion to postpone to a day certain, to refer, to postpone indefinitely, or to amend, having been decided, shall not again be put on the same day, nor at the same stage of the bill or proposition.

MOTION TO ADJOURN

16. A motion to adjourn is always in order, and also a motion to adjourn to a time certain. The latter motion is debatable solely as to the time. When either motion is rejected it shall not be renewed until further business has been transacted.

AMENDMENTS TO RULES AND SUSPENSION OF RULES

17. Every proposition to amend a rule of the Senate shall be referred to the Committee on Rules and Administration. The proposition shall not be acted upon until the report of the committee is received by the Senate. A rule shall not be suspended except by at least two-thirds vote of the whole Senate. A motion to suspend the rules for the purpose of advancing a bill shall be made only under the order of business, "Motions and Resolutions".

ORDER IN DEBATE

18. When a member is about to speak in debate, or deliver a matter to the Senate, the member shall rise and respectfully address "Mr. President". The

member shall not proceed to speak further until recognized by the President. The member shall speak only to the question under debate and avoid personality. In discussing a resolution, ~~Senators are~~ *each member is* limited to ten minutes ~~each~~.

19. When a member is called to order, he shall be silent until it is determined whether or not he is in order. If a member is called to order for words spoken in debate, the words excepted to shall be taken down in writing by the Secretary immediately.

20. No member shall speak more than twice on the same question on the same day without leave of the Senate.

COMMITTEES NOT TO BE ABSENT

21. Committees shall not be absent from the Senate without permission of the Senate. The names of the ~~Senators~~ *members* excused shall be printed in the Journal.

~~SENATORS~~ *MEMBERS* TO VOTE UNLESS EXCUSED

22. Every member ~~of the Senate~~ who is in the Senate Chamber during a roll call shall vote upon the request of ~~any Senator~~ *another member* unless ~~the Senate~~, for special reasons, ~~excuses the member~~ *excused by the Senate* .

A motion by a member to be excused from voting shall be made before the question is put. A member wishing to be excused from voting may make a brief statement of the reason for making the request and the question on the motion shall be taken without further debate.

When members have had an opportunity to vote and fail to do so, a majority of all the members of the Senate may, by motion, direct the President to close the roll. The vote on a motion to close the roll shall be taken without debate and no member is required to vote on the motion.

CALL OF THE SENATE

23. A member may impose a call of the Senate requiring the attendance of all members before any further proceedings occur except a motion to adjourn. Upon the imposition of a call, a record of those present shall be obtained~~,~~ upon the request of any member, and the Sergeant at Arms instructed to bring in the absent members. When the Senate has been placed under call, *a member may demand that* the doors ~~shall~~ be closed and no member permitted to leave the Chamber until the matter or question, if any, under consideration at the time of the call is disposed of, or until the call is lifted by a majority vote of all the members of the Senate, or until the Senate adjourns. A majority vote of all the members of the Senate may excuse from attendance ~~absent~~ members not answering the call.

A call cannot be made after voting has commenced.

QUESTIONS—HOW STATED AND DECIDED

24. Questions shall be distinctly put. The President shall declare all votes but if a member rises to question a vote, the President shall order a division.

ONLY MEMBERS PRESENT TO VOTE

25. Upon a division and count of the Senate on a question, only members

present in the Senate chamber shall be counted. No member may vote on a question except at the member's own seat in the chamber.

ANY ~~SENATOR~~ *MEMBER* MAY DEMAND ~~AYES~~ *YEAS* AND NAYS

26. At any time prior to the start of voting on a question, a member may call for the ~~ayes~~ *yeas* and nays which shall be entered in the Journal. A call for the ~~ayes~~ *yeas* and nays cannot be interrupted except as provided in Rule No. 22.

AUTHORIZED ELECTRICAL VOTING DEVICE

27. Unless otherwise ordered, a vote, except upon elections and upon the overriding of a governor's veto, may be taken by means of the electrical voting system which is under the control of the President.

CERTIFICATE FOR MONEY

28. No certificate authorizing the payment of money appropriated by the Legislature shall be issued by the Secretary ~~,~~ by virtue of a motion or resolution, unless the motion or resolution is voted for by a majority of all members of the Senate~~. All motions or resolutions authorizing the issuing of certificates by the Secretary for the payment of money shall be~~ upon a call of the ~~ayes~~ *yeas* and nays.

THE PREVIOUS QUESTION

29. Unless the motion for the previous question is made specifically applicable to a subsidiary motion, the previous question shall be in this form:

"Shall the main question now be put?" It shall only be admitted when demanded by a majority of the members present, and its effect is to put an end to all debate, and bring the Senate to a direct vote upon amendments reported by a committee, if any, then upon all pending amendments in their order and then upon the main question.

On a motion for the previous question a call of the Senate is in order before the President submits the question to the Senate.

On a previous question there is no debate. All incidental questions of order, arising after a motion is made for the previous question, and pending the motion, shall be decided, whether on appeal or otherwise, without debate.

DIVISION OF QUESTION

30. A member may call for a division of the question when the question will admit of it. A motion to strike out and insert is indivisible. A motion to strike out being lost does not preclude an amendment nor a motion to strike out and insert.

RECONSIDERATION

31. When a motion or question has been once put and carried in the affirmative or negative, it is in order for a member who voted with the prevailing side to move for reconsideration on the same day on which the vote was taken or within the next two calendar days or, if later, the first day the Senate meets after the vote was taken. The motion takes precedence over all other questions except a motion to adjourn or recess. When a motion to adjourn is adopted prior to the disposition of the motion for reconsideration, a motion for reconsideration shall lie over until the next succeeding day the Senate meets except

as provided in this rule. When notice of intention to move reconsideration of the final action of the Senate on a question is given by a member, the Secretary shall retain the subject of the notice until after the expiration of the time during which the motion can be made.

During the six calendar days before the first Tuesday following the third Saturday in May of any year a notice of intention to move for reconsideration is not in order, but a motion to reconsider may be made and have priority over all other business except a motion to adjourn. A motion for reconsideration having been once voted on shall not be put again nor reconsidered.

INTRODUCTION OF BILLS

32. Bills, memorials, concurrent or joint resolutions may be introduced by a member or by order of the Senate on a report of a committee. An original and three copies are required for introduction. The number of authors shall not exceed five. A member or a committee desiring to introduce a bill, memorial or concurrent or joint resolution shall place it in the hands of the Secretary, and the Secretary shall promptly deliver all the bills, memorials or concurrent or joint resolutions to the President who shall present them to the Senate.

The name of the author or authors shall be prefixed to each bill, memorial or resolution and the name of a committee introducing a bill, memorial or resolution shall be endorsed on it.

RECESS BILL INTRODUCTIONS

33. During the period between the last day of the session in any odd-numbered year and the first day of the session in the following year, a bill filed with the ~~President~~ *Secretary* for introduction shall be given a file number and may be unofficially referred by the ~~Committee on Rules and Administration~~ *President, with the approval of the Subcommittee on Bill Scheduling,* to an appropriate standing committee of the Senate. All bills filed for introduction during this period shall be presented to the Senate when it reconvenes and shall be referred to the standing committees previously indicated by the ~~Committee on Rules and Administration~~ *President* , subject to objection under Rule 35.

REPORTING OF BILLS

34. Every bill, memorial, order, resolution or vote requiring the approval of the Governor shall be reported to the Senate on three different days previous to its passage. The first report, called the first reading, is made when it has been received for introduction; the second report, called the second reading, is made when it has been considered by all the necessary standing committees and is ready for debate; the third report, called the third reading, is made when it is ready for final passage.

REFERRING OF BILLS

35. All bills shall be referred by the President without motion to the proper standing committee unless otherwise referred by the Senate. A bill introduced by a committee need not be referred to a standing committee unless a question arises but rather shall lie over one day before being given its second reading. When a question arises concerning the proper reference of a bill during the order of business of first reading on the day of introduction or at the time of report on it by a standing committee to which the bill was previously referred, the bill shall be referred without debate to the Committee on Rules and Administration to report the proper reference, and upon adoption of the report *of*

the Committee on Rules and Administration , it shall be referred accordingly.

All bills appropriating money, or obligating the state to pay or expend money, or establishing a policy which to be effective will require expenditure of money, when referred to and reported by any other than the Committee on Finance, shall, before passage, be referred to the Committee on Finance.

36. No bill or resolution shall be referred to committee or amended until it has been given its first reading. No bill or resolution shall be objected to on its introduction.

AMENDMENTS TO BE GERMANE

37. An amendment proposed to the Senate or to the Committee of the Whole that is not germane is out of order. A non-germane amendment includes one that relates to a substantially different subject, or is intended to accomplish a substantially different purpose than that of the original bill to which it is proposed. Whether an amendment is germane is a question to be decided by the President, who may put the question to the body if he chooses.

AMENDMENTS TO BILLS

38. In drawing an amendment to a bill or resolution reference shall be made therein, first to the number of the bill, then to the page, and then to the line or lines from which matter is to be stricken or in which new matter is to be inserted.

AMENDMENTS TO TITLE

39. The title to a bill may be amended at any time during its pendency in the Senate.

RECALL FROM COMMITTEE

40. A majority of the Senate may at any time recall a bill from any committee or take a bill from the table and place it on General Orders.

By a report of the Committee on Rules and Administration, adopted by the Senate, the Committee on Rules and Administration , on request of the first author , may remove a bill from committee and re-refer it to any other committee or place it on General Orders.

DISTRIBUTION AND PRINTING OF BILLS

41. To the extent practical the Secretary shall provide a copy of any bill to the public. He may charge a reasonable fee.

Unless otherwise ordered by the Senate, all Senate bills which have been reported upon favorably or without recommendation by a committee shall be printed prior to consideration by the Senate or the Committee of the Whole. *A committee chairman, a majority of the last committee to consider a bill, or the Senate may require a House bill that has been amended by the Senate to be unofficially engrossed and printed when placed on General Orders.* A bill may be printed by order of the Secretary when amended after second reading. A bill shall be printed when ordered by a majority vote of the Senate. Action by the Senate on a bill which has not been printed is a waiver of the printing requirement.

~~BILL SCHEDULING~~ *COMMITTEE OF THE WHOLE*

42. All bills, memorials, orders, resolutions and votes requiring the ap-

proval of the Governor shall, after a second reading, ~~be referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration, except as provided for in Rule 9. At least every seven calendar days, the subcommittee shall report to the Senate the bills and other matters recommended by the subcommittee for Senate action, and any subcommitte action taken or proposed on bills and other matters that are recommended to remain in the subcommittee. All matters reported out by the subcommittee shall be placed on General Orders in the order designated by the subcommittee and shall~~ be considered in Committee of the Whole before they are finally acted upon by the Senate, except as provided for in Rules 9 and 10.

~~COMMITTEE OF THE WHOLE~~

43. The President may call a member to the Chair when the Senate resolves itself into the Committee of the Whole. The rules observed in the Senate govern, as far as practicable, the proceedings of the Committee of the Whole, and the Chairman of the Committee of the Whole has the powers of the President, as appropriate. However, a member may speak more than twice on the same subject and a call for the previous question cannot be made. The ~~ayes~~ *yeas* and nays shall be taken only upon the request of three members, and when taken shall be recorded in the Journal along with the amendment; provided, however, that a member may, with the approval of the Chairman of the Committee on Rules and Administration, submit a description of the amendment for printing. In those cases the Secretary shall retain in the minutes of the Committee of the Whole the full text of the amendment.

44. The recommendations of the Committee of the Whole shall be reported to the Senate. If a recommendation contains a proposed amendment of a bill, that amendment shall be noted on a separate piece of paper but when reported need not be read by the President unless required by one or more of the members. The question is on the adoption or rejection of the report, and no other question shall be admitted. The question may be divided to permit separate Senate action on the report as to any bill. On adoption of the report of the Committee of the Whole all bills recommended to pass shall be placed upon the Calendar.

AMENDMENT ON THIRD READING

45. Except as provided for in Rule 39 and to fill blanks, no amendment is in order on third reading without the unanimous consent of the Senate. In filling blanks, the largest sum, the longest time and the greatest distance shall be first taken.

MOTION TO REFER

46. A bill or resolution may be referred to committee at any time prior to its passage, and if an amendment is reported on the referral to any other than a Committee of the Whole, it shall again be read the second time, ~~referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration,~~ considered in Committee of the Whole, read the third time and placed on final passage. If the referral is to the Committee of the Whole it shall be placed at the head of General Orders, except when the referral is under Rule 9.

FINAL PASSAGE

47. The final question upon a bill or other matter requiring action by both Houses after its first and second reading, and after the consideration in Committee of the Whole, is upon its final passage.

TRANSMITTING OF BILLS TO THE HOUSE

48. Except as provided in Rule 31, immediately after the passage of a bill or other matter in which the concurrence of the House of Representatives is requested, the Secretary shall transmit it to the House. On the concurrence of a bill or other matter of the House by the Senate, or on the concurrence or disagreement in a vote of the House, the Secretary shall notify the House.

COMPARISON AND SUBSTITUTION OF BILLS

49. Unless there is a motion or objection, a House bill, after its first reading, shall be referred as follows:

(a) If there is no Senate companion bill, the House bill shall be referred to the appropriate standing committee;

(b) If there is a Senate companion bill, the House bill shall be referred to the standing committee possessing the Senate companion;

(c) If the Senate companion bill has been reported to the Senate, the House bill shall be referred to the Committee on Rules and Administration, which shall report whether the House bill is identical to the Senate companion bill. If the bills are identical, the report shall recommend that the House bill be given its second reading and substituted for the Senate companion bill and the Senate companion bill be indefinitely postponed. If the House bill is not identical to the Senate companion bill, the report of the committee shall so state and recommend an amendment to the House bill that when adopted will render the House bill identical to the Senate bill. Upon adoption of a committee report containing the proposed amendment, the House bill as amended shall be given its second reading and substituted for the Senate companion bill and the Senate companion bill shall be indefinitely postponed.

Reports of the Committee on Rules and Administration pursuant to this rule shall be prepared and submitted on behalf of the committee by the Secretary.

A House bill placed on the Calendar by substitution shall not be given its third reading on the same day as the substitution.

ENGROSSING AND ENROLLING OF BILLS

50. All engrossing and enrolling of bills shall be done at the direction and under authority of the Senate.

Every bill, memorial, order or resolution originating in the Senate shall be carefully engrossed before being transmitted to the House of Representatives for concurrence.

All bills shall be carefully enrolled under the supervision of the Committee on Rules and Administration, which may report to the Senate at any time on the enrollment of bills.

DISPOSITION OF BILLS ON ADJOURNMENT

51. Adjournment of the regular session in an odd-numbered year to a date certain in the following year shall be equivalent to daily adjournment, except that a bill on the Calendar, Consent Calendar, or General Orders shall be returned to the standing committee other than the Committee on Rules and Administration from which it was last reported to the Senate, unless otherwise provided for by motion prior to adjournment. Bills returned to committee pursuant to this rule shall, upon request of the author, be given priority for

consideration by the committee ahead of all other bills in the order in which they appeared on the Calendar, Consent Calendar, or General Orders.

PETITIONS AND OTHER COMMUNICATIONS

52. In presenting a petition, memorial, remonstrance or other communication addressed to the Senate, a member shall only state the general purpose of it.

Every petition, memorial, remonstrance, resolution, bill and report of committee, shall have an appropriate title, and the name of the member presenting it written on it.

RESOLUTIONS

53. Memorial resolutions addressed to the President or the Congress of the United States, or a house or member of Congress, or a department or officer of the United States, or a state or foreign government, and resolutions requiring the signature of the Governor shall follow the same procedure as bills before being adopted.

Upon a member giving notice of intention to debate a resolution not requiring the signature of the Governor and not offered by the Committee on Rules and Administration, the resolution shall lie over one calendar day without debate or other action. Upon the request of a ~~Senator~~ *member*, the resolution shall be referred to the proper committee. Whenever a question arises concerning the proper reference the procedure provided by Rule 35 applies.

CONFIRMATIONS

54. Every gubernatorial appointment requiring the advice and consent of the Senate shall be referred by the President to the appropriate committee. If a question arises as to the proper committee, the appointment shall be referred without debate to the Committee on Rules and Administration for a report making the proper reference.

The final question on the appointment is, "Will the Senate, having given its advice, now consent to this appointment?" The question shall not be put the same day the appointment is received or on the day it is reported by committee unless by unanimous consent.

SIGNING OF ACTS, RESOLUTIONS

55. In addition to his duties under Rule 3, the President shall sign all acts, memorials, addresses and resolutions. All writs, warrants and subpoenas issued by the Senate shall be signed by the President and attested by the Secretary. ~~When the Senate is not in session,~~ Upon a finding by the Committee on Rules and Administration that the President refuses or is unable to sign any of the documents described in this rule, the *President Pro Tem,* Chairman of the Committee on Rules and Administration , or some other member selected by the committee shall assume the duties of the President under this rule until the President is able to sign the documents described or until the Senate elects a new President, whichever occurs first.

APPOINTMENT OF COMMITTEES

56. The majority and minority shall each be represented on all standing committees of the Senate. The majority group shall assign the number of

positions the minority group will hold on each committee. The minority group shall be given adequate notice about its positions prior to the commencement of the session. Both the majority and minority groups shall appoint their own members to fill the number of positions each group will hold on each committee. The minority group shall transmit notice of its assignments to the majority group within ten calendar days after receipt of the notice of positions available. If the minority group for any reason fails to make its appointments pursuant to this rule, the majority group may make all the committee assignments.

The majority and minority committee assignments are subject to the uniform criteria governing committee assignments applicable to both the majority and minority. The uniform criteria shall be promulgated by the majority group and transmitted to the minority group together with notification of committee positions available to the minority.

Committee assignments as made by the majority and minority groups shall be followed by the Senate in the resolution establishing representation on all Senate standing committees.

After the organization of the Senate, all committees of the Senate and members of commissions to be appointed by the Senate authorized by rule, statute, resolution or otherwise, shall be appointed by the Subcommittee on Committees of the Committee on Rules and Administration, unless otherwise provided, subject to confirmation by the Senate. In the appointment of members of conference committees between the two houses, the Subcommittee on Committees of the Committee on Rules and Administration of the Senate shall appoint those who are in accord with the position of the Senate, and whenever practical, give preference to authors of bills in dispute and to members of standing committees in which the bills were considered.

STANDING COMMITTEES

57. The standing committees of the Senate and their complement are as follows:

Agriculture and Natural Resources—18

Commerce—15

Education—18

Elections and Reapportionment—11

Employment—13

Energy and Housing—14

Finance—21

General Legislation and Administrative Rules—10

Governmental Operations—12

Health, Welfare and Corrections—13

Judiciary—13

Local Government and Urban Affairs—13

Public Employees and Pensions—9

Rules and Administration—26

Taxes and Tax Laws—21

Transportation—16

Veterans' Affairs—10

The Committee on Rules and Administration may constitute a standing Subcommittee on Engrossing and Enrolling, the report of which within its jurisdiction has the effect of a report of the main Committee on Rules and Administration, and the reference under Rule 49 is made directly to this subcommittee.

The Committee on Rules and Administration may constitute a standing Subcommittee on Bill Scheduling, the report of which within its jurisdiction has the effect of a report of the main Committee on Rules and Administration~~, and the reference under Rule 42 is made directly to this subcommittee~~. The subcommittee shall consist of ~~the Chairman of the Committee on Rules and Administration who shall serve as chairman of the subcommittee, the Vice-chairman of the Committee on Rules and Administration, the President, the Chairmen of the Committees on Finance and on Taxes and Tax Laws, and one member~~ *six members, two of whom shall be members* of the minority group.

The Committee on Rules and Administration may constitute a standing Subcommittee on Committees, the report of which within its jurisdiction has the effect of a report of the main Committee on Rules and Administration. The subcommittee shall consist of five members, one of whom shall be a member of the minority group.

Each standing committee of the Senate, including a subcommittee of the committee, is authorized at any time to sit and act, to investigate and take testimony on any matter within its jurisdiction, to report hearings held by it, and to make expenditures as authorized from time to time by the standing Committee on Rules and Administration. A standing committee, but not a subcommittee, may require by subpoena or otherwise the attendance and testimony of witnesses and the production of correspondence, books, papers, and documents, in the manner provided by Minnesota Statutes, Section 3.153.

COMMITTEE MEETINGS

58. All meetings of the Senate, its committees and subcommittees are open to the public.

To the extent practical, meetings of all committees shall be announced to the public at least three calendar days prior to convening. The notice shall state the name of the committee, the bill or bills to be considered, the place and time of meeting. The notice shall be posted on all Senate bulletin boards in the Capitol, and the State Office Building. A notice shall be sent to the House of Representatives for posting as it deems necessary.

QUORUM IN COMMITTEE

59. A majority of its members constitutes a quorum of a committee.

REPORT OF VOTE IN COMMITTEE

60. Upon the request of a member of a committee or subcommittee to which a bill has been referred, or upon the request of the author of the bill, a record shall be made of the vote on the bill in the committee or subcommittee, including the vote on any amendment or proposed amendment to it, in the committee or subcommittee to which the bill was referred.

Upon request of three members of the committee, the record of a roll call

vote in a standing committee shall accompany the committee report and be printed in the Journal.

COMMITTEE ACTION

61. No report of any committee shall be made to the Senate unless it reports action taken at a regular or special meeting of the Committee. A report in violation of this rule is out of order.

A committee report or a proposed amendment to a bill, memorial or resolution shall be in six copies and written only on one side of the paper.

EMPLOYEES AUTHORIZED IN THE SENATE

62. ~~The Senate shall employ for the session the following:~~

~~NUMBER OF POSITIONS~~	~~POSITION~~	~~SALARY PER DAY~~
~~5~~	~~Administrative Assistant I~~	~~1 @ $58.81~~ ~~1 @ $63.04~~ ~~1 @ $75.28~~ ~~1 @ $82.79~~ ~~1 @ $82.94~~
~~1~~	~~Administrative Assistant II~~	~~$78.08~~
~~4~~	~~Administrative Secretary~~	~~3 @ $49.12~~ ~~1 @ $52.00~~
~~1~~	~~Assistant Captain of Pages~~	~~$31.89~~
~~3~~	~~Assistant Public Information Officer I~~	~~1 @ $35.48~~ ~~2 @ $42.47~~
~~1~~	~~Assistant Public Information Officer II~~	~~$48.68~~
~~1~~	~~Assistant Sergeant at Arms~~	~~$30.17~~
~~1~~	~~Captain of Pages~~	~~$34.21~~
~~1~~	~~Chaplain (several to serve during session)~~	~~$25.00~~
~~1~~	~~Chief Indexer~~	~~$65.77~~
~~10~~	~~Clerk I~~	~~5 @ $29.34~~ ~~1 @ $31.00~~ ~~3 @ $33.00~~ ~~1 @ $36.28~~
~~5~~	~~Clerk Typist I~~	~~1 @ $29.78~~ ~~1 @ $32.25~~ ~~3 @ $33.45~~
~~10~~	~~Clerk Typist II~~	~~6 @ $33.00~~ ~~1 @ $35.31~~ ~~3 @ $37.36~~
~~16~~	~~Committee Administrative Assistant~~	~~2 @ $42.19~~ ~~3 @ $44.38~~ ~~2 @ $51.30~~

NUMBER OF POSITIONS	POSITION	SALARY PER DAY
		1 @ $57.21 8 @ $63.04
10	Committee Clerk	7 @ $30.68 1 @ $33.45 2 @ $35.11
17	Committee Secretary	6 @ $46.81 3 @ $49.12 8 @ $52.00
1	Computer Services Supervisor	$52.00
7	Computer Terminal Operator	4 @ $35.20 2 @ $37.66 1 @ $39.58
1	Duplicating Supervisor	$36.99
1	Engrossing and Appointments Clerk	$52.00
1	Engrossing Secretary	$65.77
1	Executive Secretary I	$54.74
1	Executive Secretary II	$58.80
1	First Assistant Secretary of the Senate/Personnel Officer	$94.17
2	Fiscal Services Accountant	1 @ $46.58 1 @ $53.88
3	Indexer	1 @ $40.69 1 @ $45.94 1 @ $48.60
1	Legal Secretary I	$42.77
3	Legal Secretary II	$47.47
10	Legislative Assistant I	6 @ $35.29 2 @ $37.75 2 @ $39.73
5	Legislative Assistant II	1 @ $42.19 1 @ $43.84 1 @ $45.21 2 @ $53.74
2	Legislative Assistant III	1 @ $58.81 1 @ $63.04
2	Legislative Clerk I	$35.00
3	Legislative Clerk II	$41.05
1	Legislative Clerk III	$42.65
5	Legislative Fiscal Analyst	2 @ $65.74 1 @ $78.02 1 @ $99.77 1 @ $100.81
30	Page	26 @ $26.00 4 @ $28.00

~~NUMBER OF POSITIONS~~	~~POSITION~~	~~SALARY PER DAY~~
~~1~~	~~Public Information Officer~~	~~$54.09~~
~~21~~	~~Researcher~~	~~2 @ $38.36~~ ~~5 @ $41.10~~ ~~4 @ $45.21~~ ~~1 @ $46.58~~ ~~1 @ $47.37~~ ~~1 @ $49.32~~ ~~1 @ $52.72~~ ~~1 @ $57.93~~ ~~1 @ $58.81~~ ~~1 @ $60.28~~ ~~1 @ $64.87~~ ~~3 @ $76.71~~
~~1~~	~~Second Assistant Secretary of the Senate~~	~~$65.77~~
~~20~~	~~Secretary~~	~~7 @ $41.18~~ ~~6 @ $43.43~~ ~~7 @ $45.94~~
~~1~~	~~Secretary to the Majority Leader~~	~~$58.80~~
~~1~~	~~Secretary to the Minority Leader~~	~~$58.61~~
~~1~~	~~Secretary of the Senate~~	~~$135.53~~
~~13~~	~~Senate Counsel~~	~~3 @ $52.06~~ ~~1 @ $53.42~~ ~~2 @ $64.92~~ ~~1 @ $66.40~~ ~~1 @ $73.07~~ ~~1 @ $75.28~~ ~~1 @ $79.44~~ ~~1 @ $88.05~~ ~~1 @ $105.49~~ ~~1 @ $105.53~~
~~13~~	~~Senate Researcher~~	~~2 @ $39.73~~ ~~1 @ $51.23~~ ~~1 @ $55.94~~ ~~1 @ $56.36~~ ~~1 @ $64.04~~ ~~1 @ $69.16~~ ~~2 @ $69.86~~ ~~1 @ $77.24~~ ~~2 @ $84.76~~
~~1~~	~~Senate Research Assistant Director~~	~~$95.74~~
~~1~~	~~Senate Research Director~~	~~$123.21~~
~~6~~	~~Sergeant~~	~~$28.00~~
~~1~~	~~Sergeant at Arms~~	~~$47.82~~
~~15~~	~~Stenographer I~~	~~10 @ $36.05~~ ~~5 @ $37.51~~

~~NUMBER OF POSITIONS~~	~~POSITION~~	~~SALARY PER DAY~~
~~20~~	~~Stenographer II~~	~~4 @ $39.60~~ ~~16 @ $42.77~~
~~1~~	~~Third Assistant Secretary of the Senate~~	~~$49.12~~
~~1~~	~~Word Processing Assistant Supervisor~~	~~$43.43~~
~~1~~	~~Word Processing Supervisor~~	~~$45.21~~

~~Appointment to the foregoing positions shall be made by resolution specifying the names of the appointees and the positions to which they are appointed, adopted by a majority of all members of the Senate.~~

The Committee on Rules and Administration shall establish positions, set compensation, appoint employees, and authorize expense reimbursement for employees as it deems proper to carry out the work of the Senate. A roster of all employees of the Senate, including positions and compensation, shall be kept by the Secretary and shall be open for inspection by the public.

ADDITIONAL EMPLOYEES

63. All propositions for the appointment and payment of employees of the Senate or for expenditures on account of the Legislature, other than those provided by law, shall be referred to the Committee on Rules and Administration~~,~~ without debate~~, and no appointment shall be made or expense incurred unless reported favorably by the committee, or unless its report is overruled by a three-fourths vote of the whole Senate. The committee shall report to the Senate the amount of compensation to be paid to each employee whose appointment is recommended by it~~.

AUTHORITY OVER EMPLOYEES

64. Except as otherwise provided in these rules, the Committee on Rules and Administration has full and exclusive authority over, and charge of all employees, officers and clerks of the Senate both elective and appointive. The committee has the sole and exclusive power and authority to assign them to duties other than for which they were elected or appointed as the committee may from time to time provide. The committee has power to appoint employees, officers or clerks as it deems proper to exercise the power granted to it by this rule. The committee may make rules and regulations for the government of the employees, officers and clerks as they see fit. In case of violation of an order of the committee by an employee, officer or clerk, or in case of a violation of a rule or regulation made by the committee, or in case of misconduct or omission by an employee, officer or clerk, the Committee on Rules and Administration may hear complaints and discharge the employee, officer or clerk or impose other punishment by way of fine or otherwise upon the employee, officer or clerk as the committee deems just and proper.

DUTIES OF SECRETARY

65. The Secretary shall keep a correct Journal of the proceedings of the Senate and shall perform other duties assigned to him as Secretary. He shall not permit Journal records, accounts or papers to be taken from the table or out of his custody, other than in the regular mode of business. If a paper in his charge is missing, he shall report the fact to the President, so that inquiry may be made. He shall superintend the recording of proceedings in the Journal, the

engrossing, transcribing and copying of the bills and resolutions, supervise the assistants, clerks and stenographers under the direction of the Committee on Rules and Administration, and generally perform the duties of Secretary, under direction of the President. The Secretary shall keep the books to be called "Minute Books" in which he shall enter under the appropriate marginal numbers, all Senate and House bills, and correct notes, with the dates thereof, of the state, condition and progress of each bill pending, until its final passage.

The Secretary shall cause to be recorded on magnetic tape the proceedings of the Senate, the Committee of the Whole, each standing committee and standing subcommittee. Each tape shall be clearly labeled to show the name of the body whose proceedings are recorded and the dates the proceedings occurred. Each tape shall be accompanied by a log showing the number of each bill considered and the places on the tape where consideration of the bill occurred. Within two working days after each day the Senate is in session the Secretary shall make a copy of the tape and corresponding log of proceedings of the Senate and the Committee of the Whole and deliver the copies to the Legislative Reference Library. Within one week after each meeting of a standing committee or standing subcommittee the Secretary shall make a copy of the tape and corresponding log of the meeting and deliver the copies to the Legislative Reference Library. Upon completion and approval of the minutes of the meeting, a copy of the minutes shall be promptly delivered to the Legislative Reference Library. The Secretary shall keep a record of each session of the Senate and the Committee of the Whole, each meeting of a Senate standing committee or standing subcommittee, and the date on which a tape recording of the session or meeting was transmitted to the Legislative Reference Library. The Library shall keep a similar record of all tapes received. The Library shall provide committee staff with reasonable access to Senate tapes and shall provide the public with convenient facilities to listen to the tapes. Copies of Senate tapes shall be available to the public from the Secretary, for a fee determined by the Secretary to be adequate to cover the cost of preparing the copies. A copy shall be provided free to a member of the Senate upon request for use in legislative business. The original tape and log of each session of the Senate and the Committee of the Whole shall be kept by the Secretary until the end of the period for which the members of the existing House of Representatives have been elected, at which time the tape may be preserved or disposed of as he sees fit. Tapes, logs, and minutes forwarded to the Legislative Reference Library shall be kept by the Library until two years after the end of the period for which the members of the existing Senate have been elected, at which time they may be preserved or disposed of as the Library sees fit. It is the intention that testimony and discussion preserved under this rule not be admissible in any court or administrative proceeding on an issue of legislative intent.

JOURNAL—HOW APPROVED

66. The Journal of each day's proceedings is open for correction at any time during the session of the next day the Senate meets. Unless corrected on that day, the Journal stands approved.

SECRETARY MAY CORRECT ERRORS

67. The Secretary *of the Senate* and Engrossing ~~Clerk~~ *Secretary* , in all proper cases, shall correct all mistakes in numbering the sections and reference to them, whether the errors occur in the original bill or are caused by amendments to it.

PURCHASING SUPPLIES

68. The Secretary is the agent of the Senate for the purchase of supplies. He shall file timely reports of expenditures made with the Committee on Rules and Administration.

DUTIES OF THE SERGEANT AT ARMS

69. The Sergeant at Arms shall execute all orders of the President and perform all duties assigned to him connected with the police and good order of the Senate chamber; exercise supervision over the ~~ingress and egress~~ *entry and exit* of all persons to and from the chambers; see that messages are promptly delivered; see that the hall is properly ventilated and the temperature properly regulated, and that it is open for the use of members of the Senate at the time fixed; and perform all other services pertaining to his office.

PERSONS PRIVILEGED TO THE FLOOR OF THE SENATE

70. No person shall be admitted within the Senate Chamber, but a ~~Senator~~ *member*, the executive or ex-Governors of the State of Minnesota, members of the House, heads of departments of state government, judges of the Supreme and Districts Courts and members of Congress. Those who have been members of Congress or of the state Legislature who are not interested in any claim or directly in a bill pending before the Legislature may be personally admitted by a member of the Senate. An employee of either house may be admitted at the request of a member or an officer of the Senate. When the Senate is not meeting, a person not a member may be admitted to the floor at request of a member or officer. No public hearings shall be held in the Senate Chamber. The retiring room of the Senate is reserved for the exclusive use of the members of the Senate at all times. The Sergeant at Arms shall strictly enforce this rule.

PRIVILEGE OF REPORTERS

71. Provision shall be made for news reporters on the Senate floor in limited numbers, and in the Senate gallery. Because of limited space on the floor, permanent space is limited to those news agencies which have regularly covered the legislature, namely: The Associated Press, United Press International, St. Paul Pioneer Press, St. Paul Dispatch, Minneapolis Tribune, Minneapolis Star, Duluth Herald and News-Tribune, Rochester Post-Bulletin, WCCO radio ~~and~~, KSTP radio, *and Minnesota Public Radio*. An additional two spaces shall be provided to other reporters.

One person from each named agency may be present at the press table on the Senate floor at any one time.

Other news media personnel may occupy seats provided in the Senate gallery.

The Committee on Rules and Administration may, through committee action or by delegating authority to the Secretary, allow television filming on the Senate floor on certain occasions.

The committee or its agent may designate a committee of three senior news correspondents to act as an issuing agency for reporters' badges or other credentials.

DISORDERLY CONDUCT

72. In case of a disturbance or disorderly conduct in the lobbies or galleries,

the President may order them cleared. Picture taking by persons other than accredited news reporters, hand clapping, demonstrations, and food and beverages, are prohibited in the galleries.

INTRODUCTION OF VISITORS

73. No introduction of a visitor or visitors in the galleries shall be made from the floor or rostrum of the Senate.

SMOKING

74. No ~~Senator or officer of the Senate, or other~~ person~~,~~ is permitted to smoke in the Senate Chamber. There shall be no smoking in the visitors section of the galleries.

ETHICAL CONDUCT

75. The Subcommittee on Committees shall appoint a special committee on Ethical Conduct consisting of four members ~~selected~~, two from the majority and two from the minority.

The committee shall serve in an advisory capacity to a member or employee upon written request and shall issue recommendations to the member or employee.

A lobbyist shall not appear before a Senate committee pursuant to his employment unless he is in compliance with the law requiring lobbyist registration, Minnesota Statutes, Sections 10A.03 to 10A.06. A lobbyist when appearing before a committee shall disclose to the committee those in whose interest he speaks and the purpose of his appearance. A lobbyist shall not knowingly furnish false or misleading information or make a false or misleading statement that is relevant and material to a matter before the Senate or any of its committees when he knows or should know it will influence the judgment or action of the Senate or any of its committees thereon. A lobbyist shall not exert undue influence or expend improper sums of money in connection with any legislation.

The committee shall investigate a complaint by a member of the Senate in writing under oath received during a legislative session regarding improper conduct by a member or employee of the Senate or a lobbyist. The committee has the powers of a standing committee to issue subpoenas pursuant to Minnesota Statutes, Section 3.153. In order to determine whether there is probable cause to believe that improper conduct has occurred, the committee may, by a vote of three of its members, conduct a preliminary inquiry in executive session to which the requirements of Rule 58 do not apply. Upon a finding of probable cause, further proceedings on the complaint are open to the public. If, after investigation, the committee finds the complaint substantiated by the evidence, it shall recommend to the Senate appropriate disciplinary action."

Mr. Moe R.D. moved that the foregoing Committee Report be laid on the table and printed in the Journal. The motion prevailed.

SECOND READING OF SENATE BILLS

S. F. Nos. 8, 26 and 92 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Moe, R.D. moved to amend temporary rule 62 in accordance with the Committee Report adopted today.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Dieterich	Langseth	Peterson, C.C.	Spear
Belanger	Engler	Lantry	Peterson, D.L.	Stern
Benson	Frank	Lessard	Peterson, R.W.	Stokowski
Berg	Frederick	Lindgren	Petty	Stumpf
Berglin	Frederickson	Luther	Pillsbury	Taylor
Bernhagen	Hanson	Merriam	Purfeerst	Tennessen
Bertram	Hughes	Moe, D.M.	Ramstad	Ulland
Brataas	Johnson	Moe, R.D.	Renneke	Vega
Chmielewski	Keefe	Nelson	Rued	Waldorf
Dahl	Knoll	Nichols	Schmitz	Wegener
Davies	Knutson	Olhoft	Setzepfandt	Willet
Davis	Kroening	Pehler	Sikorski	
Dicklich	Kronebusch	Penny	Solon	

The motion prevailed. So temporary rule 62 was amended.

Mr. Moe, R.D., for the Committee on Rules and Administration, offered the following resolution:

BE IT RESOLVED, by the Senate, that the following named persons be and are hereby appointed to the positions hereinafter stated and at the salaries heretofore fixed:

David Lutes, Senate Research classification, effective January 26, 1981

Jennifer Lemenowski, Page classification, effective February 2, 1981

Rev. Winfield V. Johnson, Chaplain, effective January 22, 1981

Rev. David P. Rebeck, Chaplain, effective January 26, 1981

Rev. Carl A. Jensen, Chaplain, effective January 29, 1981

Rev. Norman Belland, Chaplain, effective February 2, 1981

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Mr. Davies moved that the names of Messrs. Dahl and Willet be added as co-authors to S. F. No. 13. The motion prevailed.

Mr. Nichols moved that the name of Mr. Chmielewski be added as co-author to S. F. No. 50. The motion prevailed.

Mr. Merriam moved that the names of Messrs. Dahl and Frank be added as co-authors to S. F. No. 100. The motion prevailed.

Mr. Peterson, C.C. moved that the name of Mr. Lessard be added as co-author to S. F. No. 109. The motion prevailed.

Mr. Olhoft moved that the name of Mr. Schmitz be added as co-author to S. F. No. 110. The motion prevailed.

Mr. Waldorf moved that the name of Mr. Purfeerst be added as co-author to S. F. No. 118. The motion prevailed.

Mr. Schmitz moved that the name of Mr. Dahl be added as co-author to S. F. No. 137. The motion prevailed.

Mr. Frank moved that the name of Mr. Dicklich be added as co-author to S. F. No. 151. The motion prevailed.

CALENDAR

S. F. No. 1: A bill for an act relating to education; restoring education aids withheld in fiscal year 1981; providing for full payment of education aids in future years; repealing certain provisions relating to pro rata payment of education aids and reimbursements and certificates for the unpaid amounts; appropriating money; amending Minnesota Statutes 1980, Sections 16A.15, Subdivision 1; 124.71; 124.72; 124.73; and 124.781; repealing Minnesota Statutes 1980, Sections 124.77 and 124.78.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 3, as follows:

Those who voted in the affirmative were:

Bang	Dieterich	Langseth	Peterson, C.C.	Stern
Belanger	Engler	Lantry	Peterson, D.L.	Stokowski
Benson	Frank	Lessard	Peterson, R.W.	Stumpf
Berg	Frederick	Lindgren	Petty	Taylor
Berglin	Frederickson	Luther	Pillsbury	Tennessen
Bernhagen	Hanson	Menning	Purfeerst	Ulland
Bertram	Hughes	Merriam	Ramstad	Vega
Brataas	Humphrey	Moe, D.M.	Renneke	Waldorf
Chmielewski	Johnson	Moe, R.D.	Schmitz	Wegener
Dahl	Keefe	Nelson	Setzepfandt	Willet
Davies	Knoll	Olhoft	Sikorski	
Davis	Kroening	Pehler	Solon	
Dicklich	Kronebusch	Penny	Spear	

Messrs. Knutson, Nichols and Rued voted in the negative.

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Knutson in the chair.

After some time spent therein, the committee arose, and Mr. Knutson reported that the committee had considered the following:

S. F. Nos. 12 and 13 which the committee recommends to pass.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Rued, Davis, Pehler, Belanger and Wegener introduced—

S.F. No. 153: A bill for an act relating to local government; granting towns certain powers over town cemeteries; regulating town cemeteries; amending Minnesota Statutes 1980, Sections 365.26; and 365.27.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Hanson; Peterson, C.C.; Willet; Bertram and Sieloff introduced—

S.F. No. 154: A bill for an act relating to crimes; authorizing the release of account information to law enforcement authorities investigating the issuance of worthless checks; authorizing the issuance of account information to payee or holders when a check has been dishonored; amending Minnesota Statutes 1980, Section 609.535, by adding subdivisions.

Referred to the Committee on Judiciary.

Mr. Purfeerst; Mrs. Brataas; Messrs. Renneke; Peterson, R.W. and Solon introduced—

S.F. No. 155: A bill for an act relating to public welfare; providing for retention of certain receipts by state hospitals; amending Minnesota Statutes 1980, Section 246.57.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Taylor, Frederickson, Nelson, Schmitz and Renneke introduced—

S.F. No. 156: A bill for an act relating to elections; providing for elections to fill vacancies on county boards; amending Minnesota Statutes 1980, Section 375.101.

Referred to the Committee on Elections and Reapportionment.

Messrs. Bernhagen, Setzepfandt, Berg and Schmitz introduced—

S.F. No. 157: A bill for an act relating to state trails; authorizing the sale of certain lands acquired for the Luce Line Trail.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Keefe introduced—

S.F. No. 158: A bill for an act relating to juveniles; requiring imposition of restitution sanctions for minors adjudicated delinquent for crimes against property; creating criminal liability for persons in positions of authority over minors adjudicated delinquent for crimes against property when proper supervisory control over the minor is not exercised; amending Minnesota Statutes 1980, Section 260.185, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 260.

Referred to the Committee on Judiciary.

Messrs. Purfeerst, Engler, Menning, Bertram and Belanger introduced—

S.F. No. 159: A bill for an act relating to transportation; providing for the allocation of federal aid secondary funds; and the full utilization of those funds; amending Minnesota Statutes 1980, Section 161.086.

Referred to the Committee on Transportation.

Mr. Keefe introduced—

S.F. No. 160: A bill for an act relating to crimes; establishing a bill of rights for victims and witnesses of crime; providing a right to protection from harm and a right to bring an action against an employer if dismissed for court appearance purposes; establishing certain participatory, informational, notification and referral rights for victims and witnesses; encouraging counties to

provide certain services, information, and notices to victims and witnesses; authorizing counties to assess a surcharge on fines to be used for providing victim and witness services; providing senior citizen court calendar preference; amending Minnesota Statutes 1980, Sections 244.10, Subdivision 1; 357.22; 546.07; 609.115, Subdivision 1; 630.36; proposing new law coded in Minnesota Statutes, Chapters 181; 241; 630; and 631.

Referred to the Committee on Judiciary.

Messrs. Keefe, Humphrey, Benson and Belanger introduced—

S.F. No. 161: A bill for an act relating to the operation of state government; establishing a system of periodic review of certain agencies; requiring economic impact information for proposed legislation and proposed administrative rules; providing for hearings; creating guidelines; establishing legislative review procedures for administrative rule-making; setting termination dates; amending Minnesota Statutes 1980, Sections 15.0412, by adding a subdivision; 15.0413, Subdivision 1, and by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapters 3; and 15.

Referred to the Committee on Governmental Operations.

Messrs. Johnson; Peterson, C.C.; Davis; Waldorf and Peterson, R.W. introduced—

S.F. No. 162: A bill for an act relating to taxation; extending and changing the property tax targeting credit; providing maximum household income limits; amending Minnesota Statutes 1980, Section 290A.04, Subdivision 2c.

Referred to the Committee on Taxes and Tax Laws.

Mr. Keefe introduced—

S.F. No. 163: A bill for an act relating to financial institutions; broadening the application of the escrow account requirement for certain mortgages; requiring the escrowing of funds for the payment of special assessments or other obligations; amending Minnesota Statutes 1980, Section 47.20, Subdivision 9.

Referred to the Committee on Commerce.

Messrs. Peterson, C.C.; Bertram; Nichols; Penny and Nelson introduced—

S.F. No. 164: A bill for an act relating to workers' compensation; regulating insurance companies reserves for claims; providing the possibility of premium refunds for non-experience rated employers; amending Minnesota Statutes 1980, Section 79.071, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 79.

Referred to the Committee on Employment.

Messrs. Peterson, C.C.; Johnson; Wegener; Merriam and Bernhagen introduced—

S.F. No. 165: A bill for an act relating to public safety; specifying the crime of fleeing from a peace officer by use of a motorized vehicle; providing that whoever flees a peace officer in a motorized vehicle shall be liable for any loss caused by such flight; prohibiting insurers from excluding such liability from their policies; providing for legislation impact evaluation by the bureau of

criminal apprehension; prescribing penalties; proposing new law coded in Minnesota Statutes, Chapters 65B and 609.

Referred to the Committee on Judiciary.

Messrs. Frederick, Benson, Taylor and Nichols introduced—

S.F. No. 166: A bill for an act relating to unemployment compensation; requiring benefit requalification following a voluntary quit or misconduct disqualification to be treated like initial qualification; amending Minnesota Statutes 1980, Section 268.09, Subdivision 1.

Referred to the Committee on Employment.

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

S.F. No. 167: A bill for an act relating to the city of Moorhead; increasing the amount which the city may expend for public transportation services; amending Laws 1969, Chapter 192, Section 1.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Schmitz, Johnson, Mrs. Kronebusch, Messrs. Engler and Renneke introduced—

S.F. No. 168: A bill for an act relating to intoxicating liquor; providing for a sharing with towns of county liquor license fees; amending Minnesota Statutes 1980, Section 340.11, by adding a subdivision.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Pillsbury introduced—

S.F. No. 169: A bill for an act relating to metropolitan government; removing the city of Hanover from definitions of metropolitan areas; amending Minnesota Statutes 1980, Sections 473.121, Subdivision 2; 473.123, Subdivision 3; 473.403; and 473F.02, Subdivisions 2 and 8.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Schmitz, Rued, Frederickson, Davis and Renneke introduced—

S.F. No. 170: A bill for an act relating to natural resources; requiring county boards to give due consideration to town officer recommendations when local approval of acquisition of wildlife lands is required by law; amending Minnesota Statutes 1980, Section 97.481, Subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Dahl, Mrs. Lantry, Messrs. Frank, Dicklich and Pillsbury introduced—

S.F. No. 171: A bill for an act relating to probate; changing certain provisions relating to descent of a cemetery lot; amending Minnesota Statutes 1980, Section 525.14.

Referred to the Committee on Judiciary.

Messrs. Sieloff; Peterson, C.C.; Frederick and Merriam introduced—

S.F. No. 172: A bill for an act relating to taxation; recodifying and simplifying the income tax law for individuals; increasing conformance to federal

income tax laws; allowing income averaging; providing an accrual system for determining the federal income tax adjustment to gross income; abolishing the homemakers credit; abolishing the farm loss modification; and abolishing the substandard buildings deduction limitation; extending the uses of agricultural electricity exempt from sales and use tax; proposing new law; amending Minnesota Statutes 1980, Section 297A.25, Subdivision 1; repealing Minnesota Statutes 1980, Sections 62E.03, Subdivision 2; 290.06, Subdivision 3e; 290.09, Subdivisions 29 and 30; 290.101.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Dahl, Johnson, Petty, Mrs. Lantry and Mr. Lindgren introduced—

S.F. No. 173: A resolution memorializing Congress to enact legislation relating to the early release of election returns.

Referred to the Committee on Elections and Reapportionment.

Messrs. Engler, Knutson, Frederickson, Lindgren and Taylor introduced—

S.F. No. 174: A bill for an act relating to state government; requiring agency rules to be submitted to the legislative commission to review administrative rules before their final adoption; providing for legislative approval of rules; amending Minnesota Statutes 1980, Sections 3.965, Subdivision 2; 15.0412, Subdivision 4f, and by adding a subdivision; and 15.0413, Subdivisions 1 and 2.

Referred to the Committee on General Legislation and Administrative Rules.

Messrs. Davies, Kroening, Wegener, Mrs. Stokowski and Mr. Pehler introduced—

S.F. No. 175: A bill for an act relating to accountancy; removing an expiration provision related to the board of accountancy; repealing Laws 1979, Chapter 326, Section 15.

Referred to the Committee on Governmental Operations.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Monday, February 2, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

ELEVENTH DAY

St. Paul, Minnesota, Monday, February 2, 1981

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

Prayer was offered by the Chaplain, Rev. Norman Belland.

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

Bang	Dieterich	Kronebusch	Pehler	Sikorski
Belanger	Engler	Langseth	Penny	Solon
Benson	Frank	Lantry	Peterson, C.C.	Spear
Berg	Frederick	Lessard	Peterson, D.L.	Stern
Berglin	Frederickson	Lindgren	Peterson, R.W.	Stokowski
Bernhagen	Hanson	Luther	Petty	Stumpf
Bertram	Hughes	Menning	Pillsbury	Taylor
Brataas	Humphrey	Merriam	Purfeerst	Tennessen
Chmielewski	Johnson	Moe, D.M.	Ramstad	Ulland
Dahl	Keefe	Moe, R.D.	Renneke	Vega
Davies	Knoll	Nelson	Rued	Waldorf
Davis	Knutson	Nichols	Schmitz	Wegener
Dicklich	Kroening	Olhoft	Sieloff	Willet

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Ashbach and Setzepfandt were excused from the Session of today. Mr. Knoll was excused from the Session of today from 11:00 to 11:20 a.m.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

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

April 13, 1979

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

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

Dr. Howard Andersen, 1072 Plummer Lane, Rochester, Olmsted County,

has been appointed by me, effective April 13, 1979, for a term expiring the first Monday in January, 1983.

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

May 1, 1979

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment to the Cable Communications Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Jack W. Carlson, 10219 Scarborough Road, Bloomington, Hennepin County, has been appointed by me, effective May 1, 1979, for a term expiring the first Monday in January, 1983.

(Referred to the Committee on Commerce.)

December 31, 1979

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

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

Virgil C. Herrick, 477 Rice Creek Terrace, Fridley, Anoka County, has been appointed by me, effective January 7, 1980, for a term expiring the first Monday in January, 1984.

Dr. Wallace W. Nelson, Box 428, Lamberton, Redwood County, has been appointed by me, effective January 7, 1980, for a term expiring the first Monday in January, 1983.

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

February 1, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment to the Minnesota Water Resources Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Glenn A. Kinneberg, Route 1, Spring Grove, Houston County, has been appointed by me, effective February 1, 1980, for a term expiring the first Monday in January, 1984.

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

February 1, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment to the State Soil and Water Conservation Board

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

Neil Saxton, Route 1, Box 224, Fairmont, Martin County, has been appointed by me, effective February 8, 1980, for a term expiring the first Monday in January, 1984.

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

February 25, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

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

Christine P. Fritsche, Box 79, Route 4, Marshall, Lyon County, has been appointed by me, effective February 25, 1980, for a term expiring the first Monday in January, 1983.

Charles A. Green, 1100 Aspen Drive, Burnsville, Dakota County, has been appointed by me, effective February 25, 1980, for a term expiring the first Monday in January, 1984.

Gene C. Loffler, II, 1108 Village Road, Chaska, Carver County, has been appointed by me, effective February 25, 1980, for a term expiring the first Monday in January, 1984.

(Referred to the Committee on Commerce.)

March 24, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

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

Patt Hobbs, Route 3, Box 80, Hutchinson, McLeod County, has been appointed by me, effective March 31, 1980, for a term expiring the first Monday in January, 1984.

Lucille E. Lackore, Glenhaven, R.R. 2, Winona, Winona County, has been appointed by me, effective March 31, 1980, for a term expiring the first Monday in January, 1984.

Judith Roy, P.O. Box 53, Red Lake, Beltrami County, has been appointed by me, effective March 31, 1980, for a term expiring the first Monday in January, 1984.

(Referred to the Committee on Education.)

Sincerely yours,
Albert H. Quie, Governor

REPORTS OF COMMITTEES

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

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

Mr. Chmielewski from the Committee on Employment, to which was referred the following appointment as reported in the Journal for January 22, 1981:

DEPARTMENT OF ECONOMIC DEVELOPMENT
COMMISSIONER

Kent E. Eklund

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. Wegener from the Committee on Local Government and Urban Affairs, to which was referred

S. F. No. 102: A bill for an act relating to towns; providing for certain notice requirements; amending Minnesota Statutes 1980, Section 365.12.

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

Page 1, line 17, delete "*two successive weeks published*" and insert "*for*"

Page 1, line 17, before the period insert "*to be published once each week for two successive weeks in a newspaper of general circulation in the town*"

Page 1, after line 17, insert:

"Sec. 2.[EFFECTIVE DATE.]

This act is effective the day following final enactment."

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

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

S. F. No. 85: A bill for an act relating to towns; providing for separate election of town supervisors; amending Minnesota Statutes 1980, Section 367.33, by adding a subdivision.

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

Page 1, line 7, delete "367.33" and insert "367.03"

Page 1, line 9, delete "*4a*" and insert "*1a*"

Page 1, line 10, delete "*or meeting*"

Amend the title as follows:

Page 1, line 4, delete "367.33" and insert "367.03"

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

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

S. F. No. 32: A bill for an act relating to cemeteries; requiring the maintenance of certain abandoned cemeteries; amending Minnesota Statutes 1980, Section 306.243, Subdivision 1.

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

Page 1, line 21, delete "*are*" and strike "deemed" and insert "*the board deems*"

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. 29: A bill for an act relating to appropriations; appropriating funds for swine disease research at the University of Minnesota.

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

Mr. Moe, R.D. from the Subcommittee on Bill Scheduling, to which were referred S. F. Nos. 8, 26 and 92, makes the following report:

That the above Senate Files be placed on the General Orders Calendar in the order indicated.

That there were no other bills before the Subcommittee on which floor action was requested. Report adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 102, 85 and 32 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Davies moved that the name of Mr. Sikorski be added as co-author to S. F. No. 13. The motion prevailed.

Mr. Dahl moved that the name of Mr. Johnson be stricken as co-author to S. F. No. 173. The motion prevailed.

Mr. Dahl moved that the name of Mr. Bertram be added as co-author to S. F. No. 173. The motion prevailed.

Mr. Pehler moved that his name be stricken as co-author to S. F. No. 48. The motion prevailed.

Mr. Luther moved that the name of Mr. Pehler be added as co-author to S. F. No. 148. The motion prevailed.

Mr. Davies moved that the name of Mr. Frank be added as co-author to S. F. No. 144. The motion prevailed.

Mr. Keefe moved that the name of Mr. Lindgren be added as co-author to S. F. No. 158. The motion prevailed.

Mr. Keefe moved that the name of Mr. Lindgren be added as co-author to S. F. No. 160. The motion prevailed.

Mr. Keefe moved that the name of Mr. Petty be added as co-author to S. F. No. 161. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Ulland be added as co-author to S. F. No. 74. The motion prevailed.

Mr. Langseth moved that S. F. No. 167 be withdrawn from the Committee on Local Government and Urban Affairs and re-referred to the Committee on Transportation. The motion prevailed.

CALENDAR

S. F. No. 12: A bill for an act relating to eminent domain; providing for the taking of possession and title by the petitioner under certain circumstances; providing that certain payments deposited with the court shall be paid out under direction of the court; amending Minnesota Statutes 1980, Section 117.042.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Dieterich	Langseth	Penny	Solon
Belanger	Engler	Lantry	Peterson, C.C.	Spear
Benson	Frank	Lessard	Peterson, D.L.	Stern
Berg	Frederick	Lindgren	Peterson, R.W.	Stokowski
Berglin	Frederickson	Luther	Petty	Stumpf
Bernhagen	Hanson	Menning	Pillsbury	Taylor
Bertram	Hughes	Merriam	Purfeerst	Tennessen
Brataas	Humphrey	Moe, D.M.	Ramstad	Ulland
Chmielewski	Johnson	Moe, R.D.	Renneke	Vega
Dahl	Keefe	Nelson	Rued	Waldorf
Davies	Knutson	Nichols	Schmitz	Wegener
Davis	Kroening	Olhoft	Sieloff	Willet
Dicklich	Kronebusch	Pehler	Sikorski	

So the bill passed and its title was agreed to.

S. F. No. 13: A bill for an act relating to crimes; eliminating the power of a sentencing court to stay the revocation of the driver's license of a person convicted of driving, operating or being in physical control of a motor vehicle while under the influence of alcohol or controlled substances or a combination thereof; amending Minnesota Statutes 1980, Sections 169.121, Subdivision 5; and 609.135, Subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 47 and nays 17, as follows:

Those who voted in the affirmative were:

Berg	Engler	Lantry	Peterson, D.L.	Stumpf
Berglin	Frank	Lindgren	Peterson, R.W.	Taylor
Bernhagen	Frederickson	Luther	Petty	Tennessen
Bertram	Hanson	Menning	Pillsbury	Ulland
Chmielewski	Hughes	Merriam	Ramstad	Waldorf
Dahl	Humphrey	Moe, D.M.	Sikorski	Wegener
Davies	Johnson	Moe, R.D.	Solon	Willet
Davis	Kroening	Nelson	Spear	
Dicklich	Kronebusch	Olhoft	Stern	
Dieterich	Langseth	Penny	Stokowski	

Those who voted in the negative were:

Bang	Frederick	Nichols	Renneke	Vega
Belanger	Keefe	Pehler	Rued	
Benson	Knutson	Peterson, C.C.	Schmitz	
Brataas	Lessard	Purfeerst	Sieloff	

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Bernhagen in the chair.

After some time spent therein, the committee arose, and Mr. Bernhagen reported that the committee had considered the following:

S. F. No. 7, which the committee recommends to pass.

S. F. No. 17, which the committee recommends to pass, subject to the following motions:

Mr. Davies moved to amend S.F. No. 17 as follows:

Page 3, line 27, after "*crime*" insert "*or act of delinquency*"

Page 3, line 29, delete "*in which a parent is charged with*" and insert "*for termination of parental rights, nor any other action or proceeding on a petition alleging*"

Page 3, line 30, before the period, insert "*by a parent*"

The motion prevailed. So the amendment was adopted.

The question was taken on the recommendation to pass S.F. No. 17.

The roll was called, and there were yeas 50 and nays 8, as follows:

Those who voted in the affirmative were:

Bang	Davis	Knoll	Nelson	Ramstad
Belanger	Dicklich	Knutson	Nichols	Renneke
Benson	Dieterich	Kroening	Olhoft	Schmitz
Berg	Frank	Lantry	Pehler	Sikorski
Berglin	Frederick	Lessard	Penny	Spear
Bernhagen	Frederickson	Luther	Peterson, C.C.	Stern
Bertram	Hanson	Menning	Peterson, R.W.	Stokowski
Chmielewski	Humphrey	Merriam	Petty	Taylor
Dahl	Johnson	Moe, D.M.	Pillsbury	Tennessen
Davies	Keefe	Moe, R.D.	Purfeerst	Willet

Those who voted in the negative were:

Engler	Lindgren	Rued	Ulland	Waldorf
Kronebusch	Peterson, D.L.	Sieloff		

The motion prevailed. So S.F. No. 17 was recommended to pass.

S. F. No. 16, which the committee recommends to pass with the following amendment offered by Mr. Sieloff:

Page 1, line 16, reinstate the stricken language

Page 1, line 17, reinstate "registrar"

Page 1, line 24, delete "*send*" and insert "*mail or deliver*"

Page 1, line 25, delete "*and*"

Page 2, line 1, delete the period and insert ", *and*"

Page 2, line 1, strike "The personal represenative shall also"

Page 2, line 2, delete "*either*" and strike "mail a copy of the inventory"

Page 2, line 3, strike "it"

Page 2, line 3, delete "*or file the original of the inventory*" and insert "*a copy thereof*"

Page 2, line 4, delete "*with the court*" and after the period insert "*The personal representative need not mail or provide a copy thereof to himself as a surviving spouse or as a residuary distributee.*"

The motion prevailed. So the amendment was adopted.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Ms. Berglin, Mr. Luther and Mrs. Brataas introduced—

S.F. No. 176: A bill for an act relating to the legislature; making permanent the council on the economic status of women; changing certain membership and reporting requirements of the council; appropriating money; amending Laws 1976, Chapter 337, Section 1, Subdivisions 2 and 4, as amended, and Subdivision 3; repealing Laws 1976, Chapter 337, Section 3, as amended.

Referred to the Committee on Governmental Operations.

Messrs. Chmielewski, Nichols and Wegener introduced—

S.F. No. 177: A bill for an act relating to foods; directing the establishment of labeling and grading requirements for domestically grown wild rice by the commissioner of agriculture; providing a penalty; proposing new law coded in Minnesota Statutes, Chapter 30.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Chmielewski and Nichols introduced—

S.F. No. 178: A bill for an act relating to financial institutions; providing for deposits of certain public funds in credit unions; amending Minnesota Statutes 1980, Sections 118.005; 118.01, Subdivisions 1, 8, and 9; 118.11; and 118.16.

Referred to the Committee on Commerce.

Messrs. Chmielewski, Nichols and Wegener introduced—

S.F. No. 179: A bill for an act relating to economic development; regulating loans to Indians; amending Minnesota Statutes 1980, Section 362.40.

Referred to the Committee on Employment.

Mr. Chmielewski introduced—

S.F. No. 180: A bill for an act relating to public utilities; including municipalities furnishing water to consumers outside the boundaries of a city of the first class under the rate regulatory jurisdiction of the public utilities commission; amending Minnesota Statutes 1980, Section 216B.02, Subdivisions 4 and 6.

Referred to the Committee on Commerce.

Messrs. Peterson, C.C.; Sieloff; Solon; Mrs. Brataas and Mr. Nichols introduced—

S.F. No. 181: A bill for an act relating to commerce; revising the small loan act; increasing the loan amount which determines the necessity of obtaining a license; increasing the application fee; increasing the amount of liquid assets which must be maintained by a licensee; allowing certain purchasers of accounts to obtain a license; providing for the regulation of closings of licensees on holidays and weekends; providing for examinations at the commissioner's discretion; allowing the use of certain mechanical or electronic data processing methods to be used as books of account; allowing alternative compliance on certain rates of charge statements; allowing certain loans to be secured by real estate; restating maximum rates and charges; providing for the making of certain open-end loans; regulating licensee provisions concerning certain insurance in connection with loans made; allowing industrial loan and thrifts to make secured or unsecured loans on the terms, rates, and conditions permitted licensees; providing remedies; defining terms; providing for miscellaneous clarifications and revisions; amending Minnesota Statutes 1980, Sections 53.04, by adding a subdivision; 56.01; 56.02; 56.04; 56.07; 56.09; 56.10; 56.11; 56.12; 56.14; 56.15, Subdivision 1; 56.16; 56.17; 56.18; 56.19; 56.26; and proposing new law coded in Minnesota Statutes, Chapter 56; repealing Minnesota Statutes 1980, Sections 53.04, Subdivisions 3, 4, 6, and 7; 53.051; 56.06; 56.13; 56.15, Subdivision 2; and 56.20.

Referred to the Committee on Commerce.

Mr. Frank, Mmes. Lantry and Stokowski introduced—

S.F. No. 182: A bill for an act relating to probate; increasing the surviving spouse's share of certain personal property; amending Minnesota Statutes 1980, Section 525.15.

Referred to the Committee on Judiciary.

Mr. Frank introduced—

S.F. No. 183: A bill for an act relating to insurance; requiring reassignment of certain policies upon termination of the agency relationship; amending Minnesota Statutes 1980, Sections 65A.27, Subdivision 1; 65B.14, Subdivision 1; and 65B.17; proposing new law coded in Minnesota Statutes, Chapters 65A; and 65B.

Referred to the Committee on Commerce.

Messrs. Merriam, Sieloff, Lessard, Vega and Schmitz introduced—

S.F. No. 184: A bill for an act relating to taxation; increasing the maximum pension exclusion; providing that it increase according to annual increases in Social Security benefits; eliminating the income offset; amending Minnesota

Statutes 1980, Section 290.01, Subdivision 20.

Referred to the Committee on Taxes and Tax Laws.

Mr. Nichols introduced—

S.F. No. 185: A bill for an act relating to transportation; requiring reflectors on railroad cars and cabooses; prescribing penalties; proposing new law coded in Minnesota Statutes, Chapter 219.

Referred to the Committee on Transportation.

Messrs. Sikorski and Luther introduced—

S.F. No. 186: A bill for an act relating to public utilities; prohibiting inclusion of expenses relating to cancelled facilities in a rate base; amending Minnesota Statutes 1980, Section 216B.16, by adding a subdivision.

Referred to the Committee on Commerce.

Messrs. Wegener; Penny; Peterson, C.C.; Engler and Renneke introduced—

S.F. No. 187: A bill for an act relating to public utilities; statement of delinquency charges; amending Minnesota Statutes 1980, Section 222.75.

Referred to the Committee on Commerce.

Mmes. Kronebusch, Lantry, Stokowski, Ms. Berglin and Mr. Rued introduced—

S.F. No. 188: A bill for an act relating to crimes; regulating the furnishing and possession of tear gas compounds; providing penalties; amending Minnesota Statutes 1980, Section 624.73.

Referred to the Committee on Judiciary.

Messrs. Spear; Moe, D.M.; Dieterich; Johnson and Ms. Berglin introduced—

S.F. No. 189: A resolution memorializing the Congress and the President of the United States to seek peaceful means to carry out our nation's diplomatic aims.

Referred to the Committee on Rules and Administration.

Messrs. Frederickson and Knutson introduced—

S.F. No. 190: A bill for an act relating to courts; excluding constitutional issues from the tax court's jurisdiction; amending Minnesota Statutes 1980, Section 271.01, Subdivision 5.

Referred to the Committee on Judiciary.

Messrs. Renneke, Luther, Solon, Bang and Benson introduced—

S.F. No. 191: A bill for an act relating to insurance; requiring insurers to notify the commissioner of public safety if an insured fails to renew or cancels a required plan of reparation security; amending Minnesota Statutes 1980, Section 65B.69.

Referred to the Committee on Commerce.

Messrs. Hanson, Nelson, Schmitz, Stumpf and Pillsbury introduced—

S.F. No. 192: A bill for an act relating to elections; revising, reorganizing and recodifying major portions of the Minnesota election law; modernizing and improving language, organization and style; clarifying certain ambiguities; removing certain obsolete terms and provisions; restating guidelines for determining voter eligibility; providing for voter registration, absentee voting, the conduct of elections and the counting and canvassing of election returns; defining terms; providing penalties; making necessary technical amendments, corrections and other revisions; amending Minnesota Statutes 1980, Sections 10A.01, Subdivision 12; 40.05, Subdivision 3; 123.32, Subdivision 7; 200.01; 200.02; 201.01; 201.021; 201.061; 201.071; 201.081; 201.091; 201.11; 201.12; 201.121; 201.13; 201.14; 201.15; 201.161; 201.171; 201.18; 201.211; 201.221; 201.27; 201.275; 202A.11; 202A.16, Subdivision 1; 205.01; 205.03; 205.11, Subdivision 4a; 205.13, Subdivision 1; 205.14, Subdivision 4; 205.15; 205.17, Subdivision 2; 205.20, Subdivisions 2 and 5; 206.026, Subdivision 5; 206.07, Subdivision 1; 206.185, Subdivisions 1 and 5; 206.20, Subdivision 2; 206.21, Subdivisions 1 and 2; 208.04, Subdivisions 1 and 2; 210A.07; 210A.26, Subdivision 4; 210A.28; 210A.34, Subdivision 4; 290.06, Subdivision 11; 290.21, Subdivision 3; 365.51; 365.52; 375.20; 382.28; and 487.03, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapters 200, 201, 205, and 210A; proposing new law coded as Minnesota Statutes, Chapters 203B, 204B, 204C, and 204D; repealing Minnesota Statutes 1980, Sections 201.231; 201.26; 201.33; 202A.21 to 202A.721; and 210.22; and Chapters 203A, 204A, and 207.

Referred to the Committee on Elections and Reapportionment.

Mrs. Brataas, Messrs. Frederick, Solon and Wegener introduced—

S.F. No. 193: A bill for an act relating to Olmsted County; authorizing the board of county commissioners to improve and maintain the Olmsted county hospital; amending Laws 1978, Chapter 509, Section 1.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Taylor; Bertram; Renneke; Peterson, D.L. and Menning introduced—

S.F. No. 194: A bill for an act relating to workers' compensation; redefining a family farm for terms of employee coverage; amending Minnesota Statutes 1980, Section 176.011, Subdivision 11a.

Referred to the Committee on Employment.

Messrs. Rued, Setzepfandt and Frederickson introduced—

S.F. No. 195: A bill for an act relating to agriculture; imposing certain requirements on milk houses for milk used for manufacturing; setting up an inspection program; requiring permits for certain dairy operations; amending Minnesota Statutes 1980, Section 32.212.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Schmitz introduced—

S.F. No. 196: A bill for an act relating to Carver county; providing for payment of expenses of the county commissioners.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Benson, Davis, Wegener, Berg and Frederick introduced—

S.F. No. 197: A bill for an act relating to highway traffic regulations; providing for the type and placement of reflectors on certain farm equipment; amending Minnesota Statutes 1980, Section 169.55, Subdivision 2.

Referred to the Committee on Transportation.

Messrs. Tennessen; Merriam; Peterson, R.W.; Keefe and Davies introduced—

S.F. No. 198: A bill for an act relating to information practices of public bodies; regulating the treatment of government data; providing conditions for disclosure; enacting the uniform information practices code; providing penalties; amending Minnesota Statutes 1980, Sections 3.97, Subdivisions 9 and 11; 10A.02, Subdivision 11a; 72A.062, Subdivision 2; 115A.14, Subdivision 3; 123.704; 123.741, Subdivision 5; 136A.162; 144.1761, Subdivision 2; 144.216, Subdivision 2; 144.218; 144.225, Subdivision 1; 144.691, Subdivision 4; 144.693; 144A.10, Subdivision 3; 145.925, Subdivision 6; 147.073, Subdivision 1; 169.126, Subdivision 2; 197.603, Subdivision 2; 241.44, Subdivision 1a; 241.62, Subdivision 5; 241.66, Subdivision 1; 245.69, Subdivision 2; 256B.27, Subdivision 5; 268.40, Subdivision 3; 270A.11; 299F.055; 362.53, Subdivision 17; 462A.065; 481.15, Subdivision 3; 626.556, Subdivision 11; and 626.557, Subdivisions 11 and 12; proposing new law coded as Minnesota Statutes, Chapter 16B; repealing Minnesota Statutes 1980, Sections 15.1611; 15.162; 15.1621; 15.163; 15.1642; 15.165; 15.166; 15.167; 15.1671; 15.1672; 15.1673; 15.1674; 15.1675; 15.1676; 15.1677; 15.1678; 15.1679; 15.1681; 15.1691; 15.1692; 15.1693; 15.1694; 15.1695; 15.1696; 15.1697; 15.1698; and 15.1699.

Referred to the Committee on Judiciary.

Messrs. Belanger, Hughes, Merriam, Dieterich and Lindgren introduced—

S.F. No. 199: A bill for an act relating to education; modifying and clarifying certain provisions governing a discretionary levy; amending Minnesota Statutes 1980, Section 275.125, Subdivision 7a.

Referred to the Committee on Education.

Messrs. Setzepfandt; Rued; Peterson, C.C.; Bertram and Engler introduced—

S.F. No. 200: A bill for an act relating to agriculture; prohibiting the sale of certain female cattle; amending Minnesota Statutes 1980, Section 35.245, Subdivision 3.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Willet introduced—

S.F. No. 201: A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state bonds; appropriating money.

Referred to the Committee on Finance.

Messrs. Davis, Wegener, Bernhagen, Olhoft and Benson introduced—

S.F. No. 202: A bill for an act relating to fire control services; providing for reimbursement by railroads and the transportation department; setting the time limit for claims; amending Minnesota Statutes 1980, Sections 161.465; and 219.761, Subdivision 1.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Peterson, C.C.; Nichols; Johnson and Hanson introduced—

S.F. No. 203: A bill for an act relating to unemployment compensation; redefining wages for contribution purposes; regulating contribution rates; amending Minnesota Statutes 1980, Sections 268.04, Subdivision 25; 268.06, Subdivisions 3a, 5, 6 and 8; and 268.071, Subdivision 6.

Referred to the Committee on Employment.

Messrs. Solon, Vega, Mrs. Lantry, Messrs. Stern and Davis introduced—

S.F. No. 204: A bill for an act relating to education; restoring funds appropriated to community colleges, state universities and the University of Minnesota and withheld in fiscal year 1981; providing for full payment of higher education appropriations in future years; appropriating money; amending Minnesota Statutes 1980, Section 16A.15, Subdivision 1.

Referred to the Committee on Education.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Thursday, February 5, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TWELFTH DAY

St. Paul, Minnesota, Thursday, February 5, 1981

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

Prayer was offered by the Chaplain, Rev. M.E. Sandness.

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

Ashbach	Dicklich	Kronebusch	Pehler	Solon
Bang	Dieterich	Langseth	Penny	Spear
Belanger	Engler	Lantry	Peterson, C.C.	Stern
Benson	Frederick	Lessard	Peterson, D.L.	Stokowski
Berg	Frederickson	Lindgren	Peterson, R.W.	Stumpf
Berglin	Hanson	Luther	Petty	Taylor
Bernhagen	Hughes	Menning	Pillsbury	Tennessen
Bertram	Humphrey	Merriam	Ramstad	Ulland
Brataas	Johnson	Moe, D.M.	Renneke	Vega
Chmielewski	Keefe	Moe, R.D.	Rued	Waldorf
Dahl	Knoll	Nelson	Setzepfandt	Wegener
Davies	Knutson	Nichols	Sieloff	Willet
Davis	Kroening	Olhoft	Sikorski	

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. Frank and Schmitz were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

February 3, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

On February 2, 1981, the Subcommittee on Committees met and by appropriate action made the following appointments:

Pursuant to Minnesota Statutes 1980

Sec. 3.351, Legislative Commission on Energy

Messrs. Belanger; Bernhagen; Dahl; Humphrey; Menning; Olhoft; Peterson, D.L. and Peterson, R.W.

Sec. 3.85 Legislative Commission on Pensions and Retirement

Messrs. Frederickson; Moe, D.M.; Peterson, C.C.; Renneke and Spear

Sec. 3.86 Tax Study Commission

Messrs. Berg; Dieterich; Hanson; Johnson; Olhoft; Peterson, C.C. and Sieloff

Sec. 3.9225 Council on Black Minnesotans

Ms. Berglin and Mr. Moe, D.M.

Sec. 3.965 Legislative Commission to Review Administrative Rules

Messrs. Kroening, Luther, Olhoft, Penny and Taylor

Sec. 86.07 Legislative Commission on Minnesota Resources

Messrs. Luther; Moe, R.D.; Merriam; Purfeerst; Knutson; Renneke and Willet

Sec. 115A.14 Legislative Commission on Waste Management

Messrs. Keefe, Luther, Merriam, Pehler and Sikorski

Sec. 121.81-121.84 Education Commission of the States

Mr. Hughes

Sec. 121.843-121.845 Midwestern Education Board

Mr. Hughes

Sec. 121.938 Advisory Task Force on Uniform Data Standards for Student Reporting

Mrs. Stokowski

Sec. 121.938 Advisory Task Force on Uniform Data Standards for Personnel and Payroll Reporting

Mr. Stumpf

Sec. 298.22 Iron Range Resources and Rehabilitation Board

Messrs. Dicklich, Johnson, Lessard, Rued and Solon

Laws 1976, Ch. 337, as amended by Laws 1978, Ch. 793, Sec. 82-84

Advisory Council on Economic Status of Women

Mr. Petty, Mmes. Kronebusch, Lantry, Stokowski and Ms. Berglin

Laws 1979, Ch. 315, Sec. 2-4 Joint Legislative Committee on Agricultural Land Preservation

Messrs. Berg, Bertram, Davis, Engler, Langseth, Schmitz, Setzepfandt and Wegener

Respectfully,
Roger D. Moe, Chairman
Subcommittee on Committees

February 3, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

Pursuant to the provisions of Minnesota Statutes 1980, I have made the following appointment:

Sec. 3.303 Legislative Coordinating Commission

Messrs. Hanson and Stumpf

Respectfully,
Roger D. Moe
Senate Majority Leader

February 3, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

Pursuant to the provisions of Minnesota Statutes 1980, I have made the following appointment:

Sec. 3.303 Legislative Coordinating Commission

Mr. Frederick

Respectfully,
Robert O. Ashbach
Senate Minority Leader

February 3, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

Pursuant to the provisions of Minnesota Statutes 1980, I have made the following appointment:

Sec. 3.855 Legislative Commission on Employee Relations

Mr. Keefe

Respectfully,
Robert O. Ashbach
Senate Minority Leader

REPORTS OF COMMITTEES

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

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

S. F. No. 97: A bill for an act relating to agriculture; changing Todd County from area one to area four for the purposes of potato promotion; amending Minnesota Statutes 1980, Section 30.464, Subdivision 1.

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

Page 2, after line 2, insert:

"Sec. 2. [APPLICATION OF LAW CONTINUED.]

No new referendum is required in area number one as newly constituted under section 1 of this act in order to continue the application of Minnesota Statutes, Sections 30.461 to 30.479 to that area."

Renumber the remaining section in sequence

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

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

S. F. No. 142: A bill for an act relating to towns; giving towns general powers to provide for town welfare by police, health and safety ordinances; amending Minnesota Statutes 1980, Section 365.10.

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

Mr. Moe, R.D. from the Subcommittee on Bill Scheduling, to which were referred S. F. Nos. 32, 85 and 102, makes the following report:

That the above Senate Files be placed on the General Orders Calendar in the order indicated.

That there were no other bills before the Subcommittee on which floor action was requested. Report adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 97 and 142 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Davies moved that the name of Mr. Lessard be added as co-author to S. F. No. 111. The motion prevailed.

Ms. Berglin moved that the names of Messrs. Johnson and Spear be added as co-authors to S. F. No. 176. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Ulland be added as co-author to S. F. No. 177. The motion prevailed.

Mr. Chmielewski moved that the names of Mr. Merriam and Ms. Berglin be added as co-authors to S. F. No. 178. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Ulland be added as co-author to S. F. No. 179. The motion prevailed.

Mr. Frank moved that the name of Mr. Purfeerst be added as co-author to S. F. No. 183. The motion prevailed.

Mr. Nichols moved that the name of Mr. Lessard be added as co-author to S. F. No. 185. The motion prevailed.

CALENDAR

S. F. No. 16: A bill for an act relating to probate; changing certain time

limits and procedures for a personal representative to file an inventory and appraisement; amending Minnesota Statutes 1980, Section 524.3-706.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Pehler	Solon
Bang	Dieterich	Langseth	Penny	Spear
Belanger	Engler	Lantry	Peterson, C.C.	Stern
Benson	Frederick	Lessard	Peterson, D.L.	Stokowski
Berg	Frederickson	Lindgren	Peterson, R.W.	Stumpf
Berglin	Hughes	Luther	Petty	Taylor
Bernhagen	Humphrey	Menning	Pillsbury	Tennessen
Bertram	Johnson	Merriam	Ramstad	Ulland
Chmielewski	Keefe	Moe, D.M.	Renneke	Vega
Dahl	Knoll	Moe, R.D.	Rued	Waldorf
Davies	Knutson	Nelson	Setzepfandt	Wegener
Davis	Kroening	Olhoft	Sieloff	Willet

So the bill passed and its title was agreed to.

S. F. No. 7: A bill for an act relating to Traverse County; permitting the issuance of bonds by the county to provide funds for the construction, alteration, repair, and improvement of necessary buildings for county fair purposes, and to aid county agricultural societies to defray related financial obligations; providing for payment of the obligations.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Lantry	Peterson, D.L.	Stokowski
Bang	Engler	Lessard	Peterson, R.W.	Stumpf
Belanger	Frederick	Lindgren	Petty	Taylor
Benson	Frederickson	Luther	Pillsbury	Tennessen
Berg	Hughes	Menning	Ramstad	Ulland
Berglin	Humphrey	Merriam	Renneke	Vega
Bernhagen	Johnson	Moe, D.M.	Rued	Waldorf
Bertram	Keefe	Moe, R.D.	Setzepfandt	Wegener
Chmielewski	Knoll	Nelson	Sieloff	Willet
Dahl	Knutson	Olhoft	Sikorski	
Davies	Kroening	Pehler	Solon	
Davis	Kronebusch	Penny	Spear	
Dicklich	Langseth	Peterson, C.C.	Stern	

So the bill passed and its title was agreed to.

S. F. No. 17: A bill for an act relating to witnesses; exempting parents and minors from testifying with respect to confidential communications made by the minor to parent; amending Minnesota Statutes 1980, Section 595.02.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 53 and nays 9, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kroening	Pehler	Spear
Bang	Dieterich	Langseth	Penny	Stern
Belanger	Frederick	Lantry	Peterson, C.C.	Stokowski
Benson	Frederickson	Lessard	Peterson, R.W.	Stumpf
Berg	Hanson	Luther	Petty	Taylor
Berglin	Hughes	Menning	Pillsbury	Tennessen
Bernhagen	Humphrey	Merriam	Ramstad	Vega
Chmielewski	Johnson	Moe, D.M.	Renneke	Wegener
Dahl	Keefe	Moe, R.D.	Setzepfandt	Willet
Davies	Knoll	Nelson	Sikorski	
Davis	Knutson	Olhoft	Solon	

Those who voted in the negative were:

Bertram	Kronebusch	Peterson, D.L.	Sieloff	Waldorf
Engler	Lindgren	Rued	Ulland	

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Humphrey in the chair.

After some time spent therein, the committee arose, and Mr. Humphrey reported that the committee had considered the following:

S. F. Nos. 23 and 8 which the committee recommends to pass.

S. F. No. 92, which the committee recommends to pass with the following amendment offered by Mr. Merriam:

Page 2, delete lines 1 and 2 and insert "*means any property owned, leased or controlled by a school district or an organization operating a nonpublic school, as defined in section 123.932, subdivision 3, where an elementary, middle, secondary school, secondary vocational center or other school providing educational services in grade 1 through grade 12 is located, or used for educational purposes, or where extra-curricular or co-curricular activities are regularly provided.*"

The motion prevailed. So the amendment was adopted.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Pehler, Wegener and Belanger introduced—

S.F. No. 205: A bill for an act relating to economic development; regulating municipal industrial development projects; amending Minnesota Statutes 1980, Sections 474.01, Subdivisions 7a, 7b, 8, and by adding a subdivision; and 474.06.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Tennessen; Renneke; Hanson; Peterson, R.W. and Merriam introduced—

S.F. No. 206: A bill for an act relating to agriculture; requiring notice of real

estate improvement liens to be given to certain farmers; amending Minnesota Statutes 1980, Section 514.011, Subdivision 4.

Referred to the Committee on Judiciary.

Mr. Peterson, C.C. introduced—

S.F. No. 207: A bill for an act relating to retirement; making various changes in the laws governing the operation of the public employees retirement association; amending Minnesota Statutes 1980, Section 353.01, Subdivision 19; 353.03, Subdivisions 1, 2, and 5; 353.15; 353.27, Subdivision 4; 353.28, Subdivision 5; 353.29, Subdivision 8; 353.31, Subdivision 1; 353.32, Subdivision 9; 353.33, Subdivisions 4, 5, and 6; 353.46, Subdivision 1; 353.64, Subdivisions 1 and 6; 353.656, Subdivision 2; and 353.657, Subdivision 3; repealing Minnesota Statutes 1980, Sections 353.017, Subdivision 5; 353.272; and 353.37, Subdivision 1a.

Referred to the Committee on Public Employees and Pensions.

Mr. Nelson introduced—

S.F. No. 208: A bill for an act relating to air pollution; allowing cities and towns to adopt ordinances to permit and regulate open burning of leaves; amending Minnesota Statutes 1980, Section 116.07, by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Nelson, Keefe and Peterson, C.C. introduced—

S.F. No. 209: A bill for an act relating to gambling devices; clarifying definitions of gambling devices; authorizing certain payments for operation of gambling devices; changing prize limitations; amending Minnesota Statutes 1980, Section 349.26, Subdivisions 4, 5, 12, 13 and 15.

Referred to the Committee on General Legislation and Administrative Rules.

Messrs. Menning, Bertram, Chmielewski, Renneke and Peterson, D.L. introduced—

S.F. No. 210: A bill for an act relating to highway traffic regulations; increasing the driver license revocation period for second and subsequent convictions of driving under the influence of alcohol or controlled substances; amending Minnesota Statutes 1980, Section 169.121, Subdivision 4.

Referred to the Committee on Judiciary.

Mr. Nichols introduced—

S.F. No. 211: A bill for an act relating to workers' compensation; creating the Minnesota workers' compensation insurance corporation as a nonprofit public corporation; changing the procedure for the administration of compensation claims of state employees; appropriating money; amending Minnesota Statutes 1980, Section 176.591, Subdivisions 1 and 3; proposing new law coded as Minnesota Statutes, Chapter 176A; repealing Minnesota Statutes 1980, Sections 176.061, Subdivisions 8 and 9; 176.541, Subdivisions 2, 3, 4, 5, 6 and 8; 176.551; 176.561; 176.571; 176.603 and 176.611.

Referred to the Committee on Employment.

Messrs. Pehler, Nichols, Spear, Ms. Berglin and Mr. Benson introduced—

S.F. No. 212: A bill for an act relating to unemployment compensation; clarifying certain disqualifications from benefits; amending Minnesota Statutes 1980, Section 268.09, Subdivision 1.

Referred to the Committee on Employment.

Messrs. Sieloff, Merriam, Knoll and Ramstad introduced—

S.F. No. 213: A bill for an act relating to courts; authorizing the district court to adopt by rule guidelines for the awarding of maintenance, child support and disposition of property in dissolution, legal separation and maintenance proceedings; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 518.

Referred to the Committee on Judiciary.

Messrs. Frank, Purfeerst, Menning, Bang and Setzepfandt introduced—

S.F. No. 214: A bill for an act relating to motor vehicles; providing for the transfer of title; requiring the transferor in certain cases to mail or deliver the certificate, application for a new certificate, assignment, and any tax due on the transfer to the department of public safety; amending Minnesota Statutes 1980, Section 168A.10, Subdivision 1; repealing Minnesota Statutes 1980, Section 168A.10, Subdivision 2.

Referred to the Committee on Transportation.

Messrs. Wegener, Benson, Purfeerst, Schmitz and Frederickson introduced—

S.F. No. 215: A bill for an act relating to taxation; allowing urban towns to increase their tax levy limit base by eight percent per year; amending Minnesota Statutes 1980, Section 275.52, Subdivision 2.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Frank, Dahl, Spear, Stumpf and Mrs. Stokowski introduced—

S.F. No. 216: A bill for an act relating to elections; allowing a candidate to transport parents of the candidate or the candidate's spouse to or from the polls; amending Minnesota Statutes 1980, Section 210A.13, Subdivision 3.

Referred to the Committee on Elections and Reapportionment.

Messrs. Pillsbury, Ramstad and Keefe introduced—

S.F. No. 217: A bill for an act relating to retirement; authorizing teachers on extended leave of absence or their employers to make employer contributions when state funds are not available; amending Minnesota Statutes 1980, Sections 354.094, Subdivision 1; and 354A.091, Subdivision 1.

Referred to the Committee on Public Employees and Pensions.

Mr. Waldorf introduced—

S.F. No. 218: A bill for an act relating to landlords and tenants; changing the time limit for landlords to furnish tenants with certain information; amending

Minnesota Statutes 1980, Section 290A.19.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Pillsbury, Ramstad and Keefe introduced—

S.F. No. 219: A bill for an act relating to state historic sites; adding the Wayzata Depot to the registry of state historic sites; amending Minnesota Statutes 1980, Section 138.56, by adding a subdivision.

Referred to the Committee on General Legislation and Administrative Rules.

Messrs. Sikorski, Humphrey, Pehler, Keefe and Knoll introduced—

S.F. No. 220: A bill for an act relating to the operation of state government; providing for the expiration or periodic reevaluation of various regulatory programs; requiring program and fiscal review of regulatory programs; providing for performance audits by the legislative auditor; establishing a pilot program; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 15.

Referred to the Committee on Governmental Operations.

Messrs. Penny, Olhoft and Luther introduced—

S.F. No. 221: A bill for an act relating to taxation; exempting from the sales and use tax meals sold to charitable, religious and educational organizations; amending Minnesota Statutes 1980, Section 297A.25, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Davies introduced—

S.F. No. 222: A bill for an act relating to state government; providing for the maintenance of spending priorities established by state law in cases of legal challenge; appropriating money; amending Minnesota Statutes 1980, Section 8.14.

Referred to the Committee on Finance.

Mr. Davies introduced—

S.F. No. 223: A bill for an act relating to insurance; providing for allocation of certain automobile insurance benefits; appropriating money; amending Minnesota Statutes 1980, Section 65B.49, Subdivision 3; proposing new law coded in Minnesota Statutes, Chapter 65B; repealing Minnesota Statutes 1980, Section 65B.53, Subdivisions 1 and 4.

Referred to the Committee on Commerce.

Messrs. Davies and Luther introduced—

S.F. No. 224: A bill for an act relating to insurance; prescribing no-fault security requirements for school buses; requiring coverage for drivers and other occupants; amending Minnesota Statutes 1980, Section 65B.47, Subdivision 1.

Referred to the Committee on Commerce.

Messrs. Davies, Belanger, Chmielewski and Moe, D.M. introduced—

S.F. No. 225: A bill for an act relating to labor; regulating certain charges to persons earning the minimum wage; amending Minnesota Statutes 1980, Section 177.24, by adding a subdivision.

Referred to the Committee on Employment.

Messrs. Davies, Chmielewski, Belanger and Moe, D.M. introduced—

S.F. No. 226: A bill for an act relating to civil actions; limitation of actions; requiring that certain actions relating to recovery of wages and other claims be brought within six years; amending Minnesota Statutes 1980, Sections 541.05, Subdivision 1; and 541.07.

Referred to the Committee on Employment.

Messrs. Wegener, Stern, Belanger, Pehler and Mrs. Lantry introduced—

S.F. No. 227: A bill for an act relating to the organization and operation of government; requiring a study of the proper role and structure of metropolitan government agencies; requiring a review of the distribution of powers and duties between the metropolitan council, the metropolitan commissions, the legislature and political subdivisions within the metropolitan area; mandating a report; providing for certain services to be performed by the state planning agency; appropriating money.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Sikorski introduced—

S.F. No. 228: A bill for an act relating to taxation; amending the definition of redevelopment district in the Minnesota tax increment financing act; amending Minnesota Statutes 1980, Section 273.73, Subdivision 10.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Stumpf and Moe, D.M. introduced—

S.F. No. 229: A bill for an act relating to the capitol area architectural and planning board; providing for disposition of tax-forfeited property within the capitol area; amending Minnesota Statutes 1980, Section 15.50, Subdivision 6.

Referred to the Committee on Governmental Operations.

Messrs. Nelson and Sikorski introduced—

S.F. No. 230: A bill for an act relating to labor; regulating public employee labor relations; granting the public employee relations board jurisdiction over unfair labor practice;reconstituting the board; amending Minnesota Statutes 1980, Sections 179.64, Subdivision 5; 179.67, Subdivisions 3 and 13; 179.68, Subdivision 1; 179.72, Subdivisions 1, 2, 3, and 4; proposing new law coded in Minnesota Statutes, Chapter 179; repealing Minnesota Statutes 1980, Section 179.72, Subdivision 1a.

Referred to the Committee on Public Employees and Pensions.

Messrs. Luther, Merriam, Dahl and Ulland introduced—

S.F. No. 231: A bill for an act relating to environmental protection; imposing a moratorium on enforcement of the law banning plastic milk containers; repealing Laws 1977, Chapters 268, Section 3; and 455, Section 96.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Peterson, C.C.; Davies and Johnson introduced—

S.F. No. 232: A bill for an act relating to compensation of persons injured in recreational activities; allowing persons potentially liable for such injuries to provide recreational insurance covering their liabilities; prescribing benefits under such insurance; providing for recovery of benefits and other damages in such cases; placing certain limitations on recovery of damages and on actions for damages; providing for the handling of claims and the payment of benefits; providing for subrogation and indemnification rights; prescribing certain powers and duties of the commissioner of insurance; proposing new law coded as Minnesota Statutes, Chapter 65C.

Referred to the Committee on Judiciary.

Messrs. Solon and Ulland introduced—

S.F. No. 233: A bill for an act relating to retirement; extending the combined service annuity to members of the University of Minnesota faculty plan; amending Minnesota Statutes 1980, Section 356.30, Subdivision 3.

Referred to the Committee on Public Employees and Pensions.

Messrs. Merriam, Rued, Tennessen, Frank and Knutson introduced—

S.F. No. 234: A bill for an act relating to health; providing for the establishment of a joint legislative study commission to study the educational programs in patient care at the University of Minnesota Medical School; appropriating money.

Referred to the Committee on Education.

Mr. Sikorski introduced—

S.F. No. 235: A bill for an act relating to motor vehicle carriers; providing procedures for granting permits to courier service carriers in certain cases; amending Minnesota Statutes 1980, Section 221.121, Subdivision 4.

Referred to the Committee on Commerce.

Messrs. Dicklich and Johnson introduced—

S.F. No. 236: A bill for an act relating to highways; prohibiting certain actions affecting portions of St. Louis county state-aid highway No. 25 unless payment is first made to the county of St. Louis for certain costs of betterments and improvements, declaring certain instruments null and void as against public policy.

Referred to the Committee on Transportation.

Messrs. Johnson and Dicklich introduced—

S.F. No. 237: A bill for an act relating to state lands; authorizing the conveyance of certain lands in St. Louis County.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Johnson and Dicklich introduced—

S.F. No. 238: A bill for an act relating to pesticides; prescribing certain limitations on the aerial application of pesticides; imposing requirements for pesticide application in certain areas; proposing new law coded in Minnesota Statutes, Chapter 18A.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Johnson and Dicklich introduced—

S.F. No. 239: A bill for an act relating to taxation; income; providing a credit for certain motor vehicle fuel costs; proposing new law coded in Minnesota Statutes, Chapter 290.

Referred to the Committee on Taxes and Tax Laws.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Monday, February 9, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRTEENTH DAY

St. Paul, Minnesota, Monday, February 9, 1981

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

Prayer was offered by the Chaplain, Rev. James F. Tomlonson.

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

Ashbach	Dieterich	Kronebusch	Penny	Sikorski
Bang	Engler	Langseth	Peterson, C.C.	Solon
Belanger	Frank	Lantry	Peterson, D.L.	Spear
Benson	Frederick	Lessard	Peterson, R.W.	Stern
Berg	Frederickson	Lindgren	Petty	Stokowski
Berglin	Hanson	Luther	Pillsbury	Stumpf
Bernhagen	Hughes	Menning	Purfeerst	Taylor
Bertram	Humphrey	Merriam	Ramstad	Tennessen
Chmielewski	Johnson	Moe, D.M.	Renneke	Ulland
Dahl	Keefe	Moe, R.D.	Rued	Vega
Davies	Knoll	Nelson	Schmitz	Waldorf
Davis	Knutson	Olhoft	Setzepfandt	Wegener
Dicklich	Kroening	Pehler	Sieloff	Willet

The President declared a quorum present.

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

MEMBERS EXCUSED

Mr. Nichols was 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 File, herewith returned: S. F. No. 1.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 5, 1981

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 23 and 38.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 5, 1981

FIRST READING OF HOUSE BILLS

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

H. F. No. 23: A bill for an act relating to the city of Madison Lake; authorizing the issuance of general obligation bonds for a municipal center.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 26, now on General Orders.

H. F. No. 38: A bill for an act relating to local government; permitting the city of Northfield to make payments to the town of Waterford as a condition of an annexation.

Referred to the Committee on Local Government and Urban Affairs.

REPORTS OF COMMITTEES

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

Mr. Olhoft from the Committee on General Legislation and Administrative Rules, to which was referred

S. F. No. 145: A bill for an act relating to crimes; authorizing notices of dishonored checks to be made by regular mail and an affidavit of service by mailing; amending Minnesota Statutes 1980, Section 609.535, Subdivision 3.

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

Mr. Olhoft from the Committee on General Legislation and Administrative Rules, to which was referred

S. F. No. 74: A bill for an act relating to trade regulations; prescribing a penalty for the sale of imitation Indian-made goods without a brand; amending Minnesota Statutes 1980, Section 325F.46.

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

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

S. F. No. 121: A bill for an act relating to statutory cities; permitting publication of summaries of ordinances prior to enactment; amending Minnesota Statutes 1980, Section 412.191, Subdivision 4.

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

Page 1, line 13, delete the new language and reinstate the old language

Page 1, line 14, delete the new language

Page 1, line 15, after the period insert "*If the city council determines that publication of the complete text of an ordinance is not worth the expense and that a summary would adequately inform the public of the intent of the ordinance, the council may by a majority vote direct that only the title of the ordinance and a summary be published with notice that printed copies of the ordinance are available to any person during regular office hours at the office of the city clerk and any other location which the council designates. Prior to*

the publication of the title and summary the council shall approve the text of the summary and determine that it adequately informs the public of the intent of the ordinance. The text of the summary shall be published in a body type no smaller than brevier or eight-point type, as defined in section 331.07."

Page 1, line 17, strike "its"

Page 1, line 17, before the period insert "*of the ordinance or its title and summary*"

Page 1, after line 19, insert:

"Sec. 2. Minnesota Statutes 1980, Section 368.01, Subdivision 21, is amended to read:

Subd. 21. [ENACTMENT OF ORDINANCES.] Every ordinance shall be enacted by a majority vote of all the members of the town board except where a larger number is required by law. It shall be signed by the chairman of the town board, attested by the clerk and published once in the official newspaper. *If the town board determines that publication of the complete text of an ordinance is not worth the expense and that a summary would adequately inform the public of the intent of the ordinance, the town board may by majority vote direct that only the title of the ordinance and a summary be published with notice that printed copies of the ordinance are available to any person during regular office hours of the town clerk and any other location which the council designates. Prior to the publication of the title and summary the town board shall approve the text of the summary and determine that it adequately informs the public of the intent of the ordinance. The text of the summary shall be published in a body type no smaller than brevier or eight-point type, as defined in section 331.07.* Proof of the publication shall be attached to and filed with the ordinance. Every ordinance shall be recorded in the ordinance book within 20 days after ~~its~~ publication *of the ordinance or its title and summary*. All ordinances shall be suitably entitled and shall be substantially in the style: "The Town Board of Supervisors . . . ordains:"."

Amend the title as follows:

Page 1, line 2, before the semicolon insert "and urban towns"

Page 1, line 4, delete "Section" and insert "Sections 368.01, Subdivision 21; and"

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

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

S. F. No. 153: A bill for an act relating to local government; granting towns certain powers over town cemeteries; regulating town cemeteries; amending Minnesota Statutes 1980, Sections 365.26; and 365.27.

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

Mr. Moe, R.D. from the Subcommittee on Bill Scheduling, to which were referred S. F. Nos. 142 and 97, makes the following report:

That the above Senate Files be placed on the General Orders Calendar in the order indicated.

That there were no other bills before the Subcommittee on which floor action

was requested. Report adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 145, 74, 121 and 153 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Peterson, C.C. moved that the name of Mr. Lessard be added as co-author to S. F. No. 232. The motion prevailed.

Mr. Sikorski moved that the names of Messrs. Stern, Bang and Mrs. Brataas be added as co-authors to S. F. No. 235. The motion prevailed.

Mr. Penny moved that the name of Mr. Taylor be added as co-author to S. F. No. 221. The motion prevailed.

Mr. Luther moved that the name of Mr. Setzepfandt be added as co-author to S. F. No. 231. The motion prevailed.

Mr. Nelson moved that the name of Mrs. Brataas be added as co-author to S. F. No. 81. The motion prevailed.

Mr. Pehler moved that the name of Mr. Nelson be added as co-author to S. F. No. 205. The motion prevailed.

Mr. Nelson moved that the name of Mr. Ramstad be added as co-author to S. F. No. 209. The motion prevailed.

Mr. Moe, R.D. moved that the report from the Committee on Rules and Administration of January 29, 1981, on Permanent Rules be taken from the table. The motion prevailed.

Mr. Moe, R.D moved the adoption of the foregoing Committee Report. The motion prevailed. Report adopted.

Mr. Moe, R.D. moved that the rules contained in the Committee Report be adopted as the Permanent Rules of the Senate.

Mr. Davies moved to amend the Permanent Rules of the Senate as follows:

Rule 62, after the first sentence of the new language, insert "*At the request of any committee member, an action of the committee shall be submitted as a Senate resolution for adoption by the Senate.*"

The motion prevailed. So the amendment was adopted.

Mr. Davies then moved to amend the Permanent Rules of the Senate as follows:

Rule 41, second paragraph, line 5, after "*require*" insert "*that*" and delete "*that has been*" and delete "*to*"

The motion prevailed. So the amendment was adopted.

Mr. Keefe moved to amend the Permanent Rules of the Senate as follows:

Rule 27, after the period insert "*When the Senate is ready to vote on a question and the vote will be taken by means of the electrical voting system, the President shall allow no more than three minutes for the taking of the roll.*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 21 and nays 43, as follows:

Those who voted in the affirmative were:

Ashbach	Bernhagen	Knutson	Ramstad	Ulland
Bang	Engler	Kronebusch	Renneke	
Belanger	Frederick	Lindgren	Rued	
Benson	Frederickson	Peterson, D.L.	Sieloff	
Berg	Keefe	Pillsbury	Taylor	

Those who voted in the negative were:

Berglin	Hanson	Luther	Peterson, C.C.	Stern
Bertram	Hughes	Menning	Peterson, R.W.	Stokowski
Chmielewski	Humphrey	Merriam	Petty	Stumpf
Dahl	Johnson	Moe, D.M.	Purfeerst	Vega
Davies	Knoll	Moe, R.D.	Schmitz	Waldorf
Davis	Kroening	Nelson	Setzepfandt	Wegener
Dicklich	Langseth	Olhoft	Sikorski	Willet
Dieterich	Lantry	Pehler	Solon	
Frank	Lessard	Penny	Spear	

The motion did not prevail. So the amendment was not adopted.

The question recurred on the motion of Mr. Moe, R.D.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Langseth	Peterson, C.C.	Solon
Bang	Engler	Lantry	Peterson, D.L.	Spear
Belanger	Frank	Lessard	Peterson, R.W.	Stern
Benson	Frederick	Lindgren	Petty	Stokowski
Berg	Frederickson	Luther	Pillsbury	Stumpf
Berglin	Hanson	Menning	Purfeerst	Taylor
Bernhagen	Hughes	Merriam	Ramstad	Ulland
Bertram	Humphrey	Moe, D.M.	Renneke	Vega
Chmielewski	Keefe	Moe, R.D.	Rued	Waldorf
Dahl	Knoll	Nelson	Schmitz	Wegener
Davies	Knutson	Olhoft	Setzepfandt	Willet
Davis	Kroening	Pehler	Sieloff	
Dicklich	Kronebusch	Penny	Sikorski	

The motion prevailed. So the Permanent Rules were adopted.

CALENDAR

S. F. No. 23: A bill for an act relating to the recording of decrees and certificates in bankruptcy proceedings; providing for the admissibility of certificates as evidence; amending Minnesota Statutes 1980, Section 386.45.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Kronebusch	Penny	Sikorski
Bang	Engler	Langseth	Peterson, C.C.	Solon
Belanger	Frank	Lantry	Peterson, D.L.	Spear
Benson	Frederick	Lessard	Peterson, R.W.	Stern
Berg	Frederickson	Lindgren	Petty	Stokowski
Berglin	Hanson	Luther	Pillsbury	Stumpf
Bernhagen	Hughes	Menning	Purfeerst	Taylor
Bertram	Humphrey	Merriam	Ramstad	Ulland
Chmielewski	Johnson	Moe, D.M.	Renneke	Vega
Dahl	Keefe	Moe, R.D.	Rued	Waldorf
Davies	Knoll	Nelson	Schmitz	Wegener
Davis	Knutson	Olhoft	Setzepfandt	Willet
Dicklich	Kroening	Pehler	Sieloff	

So the bill passed and its title was agreed to.

S. F. No. 8: A bill for an act relating to the city of New London; authorizing the issuance of bonds for the acquisition and betterment of a city hall, community center, and municipal library.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Kronebusch	Penny	Sikorski
Bang	Engler	Langseth	Peterson, C.C.	Spear
Belanger	Frank	Lantry	Peterson, D.L.	Stern
Benson	Frederick	Lessard	Peterson, R.W.	Stokowski
Berg	Frederickson	Lindgren	Petty	Stumpf
Berglin	Hanson	Luther	Pillsbury	Taylor
Bernhagen	Hughes	Menning	Purfeerst	Ulland
Bertram	Humphrey	Merriam	Ramstad	Vega
Chmielewski	Johnson	Moe, D.M.	Renneke	Waldorf
Dahl	Keefe	Moe, R.D.	Rued	Wegener
Davies	Knoll	Nelson	Schmitz	Willet
Davis	Knutson	Olhoft	Setzepfandt	
Dicklich	Kroening	Pehler	Sieloff	

So the bill passed and its title was agreed to.

S. F. No. 92: A bill for an act relating to crimes; prescribing penalties for the possession of controlled substances on school premises; amending Minnesota Statutes 1980, Section 152.15, by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 2, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Langseth	Peterson, D.L.	Stern
Bang	Frank	Lantry	Peterson, R.W.	Stokowski
Belanger	Frederick	Lessard	Petty	Stumpf
Benson	Frederickson	Lindgren	Pillsbury	Taylor
Berg	Hanson	Luther	Purfeerst	Ulland
Bernhagen	Hughes	Menning	Ramstad	Vega
Bertram	Humphrey	Merriam	Renneke	Waldorf
Chmielewski	Johnson	Moe, R.D.	Rued	Wegener
Dahl	Keefe	Nelson	Schmitz	Willet
Davies	Knoll	Olhoft	Setzepfandt	
Davis	Knutson	Pehler	Sieloff	
Dicklich	Kroening	Penny	Sikorski	
Dieterich	Kronebusch	Peterson, C.C.	Solon	

Ms. Berglin and Mr. Spear voted in the negative.

So the bill passed and its title was agreed to.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Schmitz, Sikorski, Johnson, Berg and Waldorf introduced—

S.F. No. 240: A bill for an act relating to elections; providing for a presidential primary election; regulating the selection of convention delegates; proposing new law coded as Minnesota Statutes, Chapter 207A.

Referred to the Committee on Elections and Reapportionment.

Mrs. Lantry, Messrs. Vega and Knutson introduced—

S.F. No. 241: A bill for an act relating to state government; making permanent the state council on affairs of the Spanish-speaking people; appropriating money; amending Laws 1978, Chapter 510, Sections 2 and 5; repealing Laws 1978, Chapter 510, Section 10.

Referred to the Committee on Governmental Operations.

Mr. Solon introduced—

S.F. No. 242: A bill for an act relating to highway traffic regulations; requiring motor vehicle inspections; providing penalties; and appropriating money; proposing new law coded in Minnesota Statutes, Chapter 169.

Referred to the Committee on Transportation.

Mr. Solon introduced—

S.F. No. 243: A bill for an act relating to public employees; providing for student participation in certain labor negotiations; proposing new law coded in Minnesota Statutes, Chapter 179.

Referred to the Committee on Public Employees and Pensions.

Messrs. Peterson, C.C.; Setzepfandt and Hanson introduced—

S.F. No. 244: A bill for an act relating to agriculture; consolidating certain promotional fund accounts; regulating deposit of certain funds; appropriating money; amending Minnesota Statutes 1980, Sections 17.59, Subdivisions 3, 4 and by adding a subdivision; 29.17; and 30.469.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Moe, D.M.; Ms. Berglin; Messrs. Knoll and Tennessen introduced—

S.F. No. 245: A bill for an act relating to state government; making Martin Luther King's Birthday an official state holiday; amending Minnesota Statutes 1980, Section 645.44, Subdivision 5.

Referred to the Committee on Governmental Operations.

Mr. Sieloff introduced—

S.F. No. 246: A bill for an act relating to courts; authorizing a committee consisting of county and county municipal court judges to adopt by rule guidelines for the awarding of maintenance, child support and disposition of property in dissolution, legal separation and maintenance proceedings; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 518.

Referred to the Committee on Judiciary.

Messrs. Purfeerst; Stern; Moe, R.D.; Engler and Ashbach introduced—

S.F. No. 247: A bill for an act relating to metropolitan government; providing for the maximum amount of the borrowing authorization of the metropolitan airports commission; amending Minnesota Statutes 1980, Section 473.667, Subdivision 2.

Referred to the Committee on Transportation.

Mr. Pillsbury, by request, introduced—

S.F. No. 248: A bill for an act relating to agriculture; permitting cultivation of certain plants on public lands; amending Minnesota Statutes 1980, Section 18.171, Subdivision 5.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Merriam, Setzepfandt, Berg, Bernhagen and Bertram introduced—

S.F. No. 249: A bill for an act relating to watershed districts; requiring a public hearing before district managers adopt a budget; amending Minnesota Statutes 1980, Section 112.611, Subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Chmielewski and Nichols introduced—

S.F. No. 250: A bill for an act relating to economic development; raising certain matching grant limitations; changing the composition of a community development corporation board; amending Minnesota Statutes 1980, Sections 362.12, Subdivision 4; and 362.41, Subdivision 6.

Referred to the Committee on Employment.

Messrs. Chmielewski and Nichols introduced—

S.F. No. 251: A bill for an act relating to insurance; requiring insurers to notify the commissioner of public safety if an insured fails to renew or cancels a required plan of reparation security; requiring the commissioner to take certain actions; amending Minnesota Statutes 1980, Sections 65B.67, Subdivision 4a; and 65B.69.

Referred to the Committee on Commerce.

Mr. Dicklich introduced—

S.F. No. 252: A bill for an act relating to aid to families with dependent children; authorizing county agencies to grant aid in the form of protective or vendor payments for recipients 17 years of age or younger; amending Minnesota Statutes 1980, Section 256.81.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Dicklich introduced—

S.F. No. 253: A bill for an act relating to the town of Great Scott; granting the town certain powers of a municipality.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Peterson, C.C.; Johnson; Merriam; Willet and Ashbach introduced—

S.F. No. 254: A bill for an act relating to natural resources; providing for the designation of endangered plant species; establishing a temporary technical advisory committee; amending Minnesota Statutes 1980, Section 97.488, Subdivisions 1, 2, 4, 5, and 7.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Penny, Luther, Taylor, Olhoft and Kroening introduced—

S.F. No. 255: A bill for an act relating to health; repealing a certain administrative rule of the department of health prohibiting the use of locks on patient room doors in nursing homes.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Penny, Luther, Taylor, Olhoft and Kroening introduced—

S.F. No. 256: A bill for an act relating to drivers' licenses; directing the commissioner of public safety to promulgate rules related to denying, restricting, and cancelling licenses based on mental and physical disabilities; authorizing a medical advisory committee; amending Minnesota Statutes 1980, Sections 171.04; 171.09; and 171.14.

Referred to the Committee on Transportation.

Messrs. Penny, Taylor, Olhoft, Luther and Kroening introduced—

S.F. No. 257: A bill for an act relating to administrative rules; clarifying certain powers and duties of the legislative commission to review administrative rules; amending Minnesota Statutes 1980, Section 3.965, Subdivision 3, and by adding a subdivision.

Referred to the Committee on General Legislation and Administrative Rules.

Messrs. Penny, Olhoft, Luther, Taylor and Kroening introduced—

S.F. No. 258: A bill for an act relating to administrative rules; clarifying the meaning of the term "rule"; amending Minnesota Statutes 1980, Sections 15.0411, Subdivision 3; and 15.0413, Subdivision 1.

Referred to the Committee on General Legislation and Administrative Rules.

Messrs. Penny, Luther, Taylor, Olhoft and Kroening introduced—

S.F. No. 259: A bill for an act relating to health; repealing a certain administrative rule of the department of health prohibiting double beds in nursing homes and boarding care homes.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Spear, Kroening, Johnson and Dicklich introduced—

S.F. No. 260: A bill for an act relating to financial institutions; creating the bank of Minnesota; establishing its governing board; defining its powers and duties; providing for initial capitalization limits; providing for the making of

loans and the handling of deposits; providing for the handling of civil actions against the bank; providing for audits and examinations; defining terms; proposing new law coded as Minnesota Statutes, Chapter 45A.

Referred to the Committee on Commerce.

Mr. Stumpf; Mrs. Lantry; Messrs. Waldorf; Moe, D.M. and Sieloff introduced—

S.F. No. 261: A bill for an act relating to the city of St. Paul; authorizing the issuance of a license for the sale of intoxicating liquor at Town Square Park.

Referred to the Committee on Commerce.

Mr. Stumpf introduced—

S.F. No. 262: A bill for an act relating to Independent School District No. 625; providing for times of election and terms of office; amending Laws 1965, Chapter 705, Section 1, Subdivision 2, as amended.

Referred to the Committee on Elections and Reapportionment.

Mrs. Lantry, Messrs. Luther and Merriam introduced—

S.F. No. 263: A bill for an act relating to highway traffic regulations; requiring the use of child passenger restraint systems for certain children under the age of four years; prescribing penalties; amending Minnesota Statutes 1980, Section 169.685, by adding a subdivision.

Referred to the Committee on Transportation.

Messrs. Pillsbury, Ramstad, Davies, Dahl and Petty introduced—

S.F. No. 264: A bill for an act relating to human rights; providing that certain statutes be equally applicable to all persons regardless of sex, including statutes related to the health department, suits for seduction, garnishment actions, and probate proceedings; providing for a penalty; amending Minnesota Statutes 1980, Sections 144.06; 242.47; 246.53; 510.06; 525.05; 525.082; 540.07; 540.08; 540.09; 550.37, Subdivision 10; and 576.08.

Referred to the Committee on Judiciary.

Messrs. Davies, Spear and Keefe introduced—

S.F. No. 265: A bill for an act relating to highway traffic regulations; providing for a confidential test of drivers believed to be under the influence of alcohol or controlled substances and providing for the procedures therefor; providing penalties; amending Minnesota Statutes 1980, Section 169.123, Subdivisions 2, and 3, and by adding a subdivision.

Referred to the Committee on Judiciary.

Mr. Davies introduced—

S.F. No. 266: A bill for an act relating to the legal obligation of support; enacting the revised uniform reciprocal enforcement of support act; proposing new law coded as Minnesota Statutes 1980, Chapter 518C; repealing Minnesota Statutes 1980, Sections 518.41 to 518.53.

Referred to the Committee on Judiciary.

Mr. Davies introduced—

S.F. No. 267: A bill for an act relating to criminal procedure; providing a single comprehensive post-conviction remedy to challenge the legality of conviction or sentence but not replacing appeal; enacting the uniform post-conviction procedure act; proposing new law coded in Minnesota Statutes, Chapter 590; repealing Minnesota Statutes 1980, Sections 590.01 to 590.06.

Referred to the Committee on Judiciary.

Messrs. Davies, Dahl and Bang introduced—

S.F. No. 268: A bill for an act relating to insurance; regulating suicide provisions in life insurance contracts; proposing new law coded in Minnesota Statutes, Chapter 61A.

Referred to the Committee on Commerce.

Messrs. Spear, Pehler, Nelson and Dicklich introduced—

S.F. No. 269: A bill for an act relating to public employment; authorizing recognition of legal strike by non-members of bargaining unit; amending Minnesota Statutes 1980, Section 179.64, by adding a subdivision.

Referred to the Committee on Public Employees and Pensions.

Messrs. Spear and Tennessen introduced—

S.F. No. 270: A bill for an act relating to hospitalization and commitment; providing patients with right of access to medical records; amending Minnesota Statutes 1980, Section 144.335, Subdivision 2.

Referred to the Committee on Judiciary.

Messrs. Spear; Tennessen; Pillsbury; Moe, D.M. and Ms. Berglin introduced—

S.F. No. 271: A bill for an act relating to crimes; repealing the offenses of sodomy, adultery and fornication; repealing Minnesota Statutes 1980, Sections 609.293; 609.34; and 609.36.

Referred to the Committee on Judiciary.

Messrs. Spear, Petty, Waldorf, Ms. Berglin and Mr. Keefe introduced—

S.F. No. 272: A bill for an act relating to public welfare; requiring certain facilities to safeguard the well-being and safety of persons in their care; providing for penalties; proposing new law coded in Minnesota Statutes, Chapter 245.

Referred to the Committee on Judiciary.

Messrs. Stern; Dahl; Spear; Moe, D.M. and Engler introduced—

S.F. No. 273: A bill for an act relating to retirement; authorizing repayment of employee contributions to the Minneapolis Municipal Employees Retirement Fund by a certain former member.

Referred to the Committee on Public Employees and Pensions.

Messrs. Sieloff; Dahl; Peterson, R.W. and Ramstad introduced—

S.F. No. 274: A bill for an act relating to marriage dissolution; providing for restraining orders, temporary orders and interim support orders in certain cases; amending Minnesota Statutes 1980, Section 518.131, Subdivision 4, and by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 518.

Referred to the Committee on Judiciary.

Messrs. Wegener, Nelson, Setzepfandt, Chmielewski and Lessard introduced—

S.F. No. 275: A bill for an act relating to counties; permitting escalation clauses or negotiated price changes in county contracts; clarifying advertising requirements; amending Minnesota Statutes 1980, Section 375.21, Subdivision 1.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Davis and Pehler introduced—

S.F. No. 276: A bill for an act relating to health; establishing a study commission on the use of state facilities in lieu of reimbursing private facilities for some purposes.

Referred to the Committee on Rules and Administration.

Messrs. Pehler, Davis and Bertram introduced—

S.F. No. 277: A bill for an act relating to public welfare; authorizing the department of vocational rehabilitation to provide funds for power assisted wheelchairs to handicapped persons under certain circumstances; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 129A.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Pehler and Davis introduced—

S.F. No. 278: A bill for an act relating to transportation; appropriating money for the purposes of the joint commuter rail study commission; extending the life of the commission and the deadline for its report; amending Laws 1980, Chapter 607, Article XIII, Section 2, Subdivisions 3 and 5.

Referred to the Committee on Transportation.

Messrs. Sieloff; Moe, D.M.; Davies; Ms. Berglin and Mr. Ramstad introduced—

S.F. No. 279: A bill for an act relating to taxation; providing that certain emergency shelters are exempt from the property tax; amending Minnesota Statutes 1980, Section 272.02, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Peterson, C.C.; Merriam; Davies; Ms. Berglin and Mr.Sieloff introduced—

S.F. No. 280: A bill for an act relating to taxation; providing for state income tax to be imposed on taxpayer's federal tax liability; removing agri-

cultural electricity credit from the income tax return; amending Minnesota Statutes 1980, Sections 290.01, Subdivisions 1, 7, and by adding subdivisions; 290.03; 290.05; 290.07, Subdivisions 1 and 2; 290.34, Subdivision 3; 290.37, Subdivisions 1 and 3; 290.38; 290.93, Subdivision 1; 290A.03, Subdivision 3; 297A.25, Subdivision 1; and proposing new law coded in Minnesota Statutes, Chapter 290; repealing Minnesota Statutes 1980, Sections 290.01, Subdivisions 1a to 6, 8 to 13, 15, 17 to 19, and 21 to 27; 290.013; 290.02; 290.032; 290.04; 290.06, Subdivisions 1 to 3c; 290.07, Subdivisions 3 to 7; 290.071 to 290.081; 290.085; 290.09, Subdivisions 1 to 21, 24, 25, and 27 to 30; 290.091 to 290.33; 290.35 to 290.361; 290.39, Subdivision 2; 290.40; and 297A.35, Subdivision 3.

Referred to the Committee on Taxes and Tax Laws.

Mr. Knutson, Mrs. Lantry and Mr. Vega introduced—

S.F. No. 281: A bill for an act relating to retirement; city of West St. Paul; authorizing certain police officers to change retirement coverage for future service, to purchase prior service credit and to receive a refund of certain member contributions.

Referred to the Committee on Public Employees and Pensions.

Messrs. Nichols, Chmielewski, Setzepfandt, Mrs. Brataas and Mr. Bernhagen introduced—

S.F. No. 282: A bill for an act relating to agriculture; requiring the commissioner of agriculture to examine fluid milk and milk product marketing and packaging; proposing new law coded in Minnesota Statutes, Chapter 32.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Berg, Mrs. Kronebusch, Messrs. Benson and Frederickson introduced—

S.F. No. 283: A bill for an act relating to agriculture; providing for contracts for deed in the family farm security program; amending Minnesota Statutes 1980, Sections 41.52, Subdivisions 5, 8 and 9; and 41.58, Subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Peterson, C.C.; Ms. Berglin; Messrs. Sieloff; Frederick and Davies introduced—

S.F. No. 284: A bill for an act relating to taxation; recodifying the income tax law; repealing Minnesota Statutes 1980, Chapter 290.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Merriam, Dicklich, Lessard, Johnson and Willet introduced—

S.F. No. 285: A bill for an act relating to natural resources; regulating the use of state funded trails; providing a penalty; amending Minnesota Statutes 1980, Section 84.90, Subdivision 4; proposing new law coded in Minnesota Statutes, Chapter 85.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Olhoft; Mrs. Brataas; Messrs. Moe, R.D. and Hughes introduced—

S.F. No. 286: A bill for an act relating to economic development; prescribing the powers and duties of the bureau of business licenses regarding the consolidation, simplification, and expedition of business license procedures of state agencies; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 352.

Referred to the Committee on Employment.

Messrs. Waldorf, Sieloff, Penny, Lindgren and Mrs. Stokowski introduced—

S.F. No. 287: A bill for an act relating to health; prescribing procedures for notification of parents, guardians, and conservators prior to performing abortions on certain persons; providing a penalty; amending Minnesota Statutes 1980, Section 144.343.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Olhoft, Bertram, Pehler, Chmielewski and Mrs. Brataas introduced—

S.F. No. 288: A bill for an act relating to economic development; establishing a uniform business licensing policy; defining its scope; and detailing its application and effect; proposing new law coded in Minnesota Statutes, Chapter 362.

Referred to the Committee on Employment.

Mr. Chmielewski introduced—

S.F. No. 289: A bill for an act relating to aircraft; broadening the insurance exemption for certain aircraft; amending Minnesota Statutes 1980, Section 360.59, Subdivision 10.

Referred to the Committee on Commerce.

Mr. Pillsbury introduced—

S.F. No. 290: A bill for an act relating to state fire aid; definitions; amending Minnesota Statutes 1980, Section 69.011, Subdivision 1.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Willet and Davis introduced—

S.F. No. 291: A bill for an act relating to sheriffs; repealing the law prohibiting persons elected to the office of sheriff from holding public office; amending Minnesota Statutes 1980, Section 387.13.

Referred to the Committee on Local Government and Urban Affairs.

Ms. Berglin introduced—

S.F. No. 292: A bill for an act relating to commerce; providing for the regulation and licensing of precious metal dealers; establishing identification procedures and recording requirements; prohibiting certain transactions; providing for criminal and civil penalties; providing remedies; amending Minnesota Statutes 1980, Section 609.53, Subdivision 4, and by adding subdivisions; proposing new law coded in Minnesota Statutes, Chapter 325F.

Referred to the Committee on Commerce.

Messrs. Humphrey and Hughes introduced—

S.F. No. 293: A bill for an act relating to the legislature; creating a legislative intern commission and a legislative intern program; defining their powers and duties; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 3.

Referred to the Committee on Rules and Administration.

Messrs. Humphrey; Johnson; Dicklich; Moe, D.M. and Mrs. Stokowski introduced—

S.F. No. 294: A bill for an act relating to employment; providing relief to employees who lose their jobs due to business closings, plant relocations, and reductions in operations; requiring advance notification to affected employees, employee organizations, municipalities, and the state of business closings, plant relocations, and reductions of operations; prescribing duties of certain departments, governmental bodies, and officers with respect to business closings, plant relocations, and reductions of operations; creating a community services council; providing for the creation of a community jobs assistance fund; providing penalties; proposing new law coded as Minnesota Statutes, Chapter 179A.

Referred to the Committee on Employment.

Messrs. Humphrey and Stumpf introduced—

S.F. No. 295: A bill for an act relating to elections; eliminating the party primary ten percent requirement; amending Minnesota Statutes 1980, Sections 202A.23, Subdivision 2; and 202A.41, Subdivision 2; repealing Minnesota Statutes 1980, Section 202A.41, Subdivision 3.

Referred to the Committee on Elections and Reapportionment.

Messrs. Humphrey, Dicklich, Lindgren, Willet and Ashbach introduced—

S.F. No. 296: A bill for an act relating to the operation of state government; providing for the expiration or periodic reevaluation of various regulatory programs; requiring program and fiscal review of regulatory programs; providing for performance audits by the legislative auditor; establishing a pilot program; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 15.

Referred to the Committee on Governmental Operations.

Messrs. Humphrey, Johnson, Mrs. Lantry, Messrs. Vega and Kroening introduced—

S.F. No. 297: A bill for an act relating to labor relations; making certain collective bargaining agreements binding and enforceable upon transferee employers; proposing new law coded in Minnesota Statutes, Chapter 179.

Referred to the Committee on Employment.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Thursday, February 12, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

FOURTEENTH DAY

St. Paul, Minnesota, Thursday, February 12, 1981

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

Prayer was offered by the Chaplain, Rev. Jerry Strandquist.

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

Ashbach	Dieterich	Langseth	Peterson, D.L.	Stern
Bang	Engler	Lantry	Peterson, R.W.	Stokowski
Belanger	Frank	Lindgren	Petty	Stumpf
Benson	Frederick	Luther	Pillsbury	Taylor
Berg	Frederickson	Menning	Purfeerst	Tennessen
Berglin	Hanson	Merriam	Ramstad	Ulland
Bernhagen	Hughes	Moe, D.M.	Renneke	Vega
Bertram	Humphrey	Moe, R.D.	Rued	Waldorf
Brataas	Johnson	Nelson	Schmitz	Wegener
Chmielewski	Keefe	Nichols	Setzepfandt	Willet
Dahl	Knoll	Olhoft	Sieloff	
Davies	Knutson	Pehler	Sikorski	
Davis	Kroening	Penny	Solon	
Dicklich	Kronebusch	Peterson, C.C.	Spear	

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

Mr. Lessard was excused from the Session of today.

REPORTS OF COMMITTEES

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

Mr. Willet from the Committee on Finance, to which was referred

S. F. No. 201: A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state bonds; appropriating money.

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

Page 1, line 17, delete "$11,282,000" and insert "$13,443,000"

Page 2, line 2, delete "$44,649,200" and insert "$46,810,200"

Page 2, line 3, delete "44,649,200" and insert "46,810,200"

Page 2, line 8, delete "$11,282,000" and insert "$13,443,000"

Page 3, line 6, delete "The plan shall"

Page 3, delete lines 7 to 10

Page 3, after line 14, insert:

"Subd. 8. Life safety improvements in Capitol Square 2,161,000"

Page 3, line 20, after "general" insert "for"

Page 6, line 14, delete "resident" and insert "residences"

Page 6, delete lines 17 to 21

Page 6, line 28, delete "buildings" and insert "building"

Page 7, line 14, delete "Water chiller system for" and insert "Remodel"

Page 7, line 25, delete "Life safety" and insert "Licensure"

Page 8, line 40, delete "*$44,649,200*" and insert "*$46,815,000*"

Page 10, after line 15, insert:

"Sec. 19. [CANCELLATION.]

For each appropriation made in this act, each project shall have completed the designer selection board process within 60 days, and shall be obligated by award of contract within 26 weeks. Those projects not meeting each of these requirements shall be abandoned and the appropriation shall immediately lapse and be cancelled to the state bond fund. If an extraordinary condition arises, the governor may authorize the continuation of a project beyond the deadline only after consulting with the chairmen of the house appropriation and senate finance committees for their recommendation. The deadlines established shall be determined from the date of final enactment."

Page 10, line 16, delete "19" and insert "20"

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. 200: A bill for an act relating to agriculture; prohibiting the sale of certain female cattle; amending Minnesota Statutes 1980, Section 35.245, Subdivision 3.

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

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

S. F. No. 171: A bill for an act relating to probate; changing certain provisions relating to descent of a cemetery lot; amending Minnesota Statutes 1980, Section 525.14.

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

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

S. F. No. 143: A bill for an act relating to marriage; changing the liability of

spouses for certain debts; amending Minnesota Statutes 1980, Section 519.05.

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

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

S. F. No. 144: A bill for an act relating to creditors' remedies; property exempt from attachment, garnishment or sale on any final process issued from any court; providing for an increase in the amount of the life insurance exemption and extending the class of those eligible to benefit; amending Minnesota Statutes 1980, Section 550.37, Subdivision 10.

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

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

S. F. No. 18: A bill for an act relating to probate; eliminating requirement of notice to representatives of foreign countries in certain formal testacy proceedings; amending Minnesota Statutes 1980, Section 524.3-403.

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

Page 2, lines 8 to 17, reinstate the stricken language

Page 2, line 9, before the comma, insert "*and if the notice is required by treaty with that country*"

Page 2, line 11, strike "such" and insert "*that*"

Page 2, line 13, strike "such" and insert "*the*"

Page 2, line 14, strike "such"

Page 2, line 14, strike "then"

Page 2, line 15, strike "such" and insert "*the*"

Page 2, line 17, strike "the same" and insert "*it*"

Page 2, line 17, strike "such" and insert "*the*"

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

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

H. F. No. 23 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F.No.	S.F.No.
23	26				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 23 be amended as follows:

Page 1, lines 16 and 17, delete "*no election shall be required to authorize their issuance and*"

And when so amended H. F. No. 23 will be identical to S. F. No. 26, and

further recommends that H. F. No. 23 be given its second reading and substituted for S. F. No. 26, 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 Subcommittee on Bill Scheduling, to which were referred S. F. Nos. 121, 145, 74 and 153, makes the following report:

That the above Senate Files be placed on the General Orders Calendar in the order indicated.

That there were no other bills before the Subcommittee on which floor action was requested. Report adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 201, 200, 171, 143, 144 and 18 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 23 was read the second time.

MOTIONS AND RESOLUTIONS

Mr. Wegener moved that the names of Messrs. Frank, Belanger and Pehler be added as co-authors to S. F. No. 121. The motion prevailed.

Mr. Keefe moved that the name of Mr. Dahl be added as co-author to S. F. No. 160. The motion prevailed.

Mr. Nelson moved that the name of Mr. Hughes be added as co-author to S. F. No. 209. The motion prevailed.

Mr. Waldorf moved that the name of Mr. Dahl be added as co-author to S. F. No. 218. The motion prevailed.

Mr. Johnson moved that the name of Mr. Dahl be added as co-author to S. F. No. 238. The motion prevailed.

Mr. Solon moved that the names of Messrs. Nelson and Sikorski be added as co-authors to S. F. No. 243. The motion prevailed.

Mr. Chmielewski moved that the names of Messrs. Willet and Lessard be added as co-authors to S. F. No. 251. The motion prevailed.

Mr. Dicklich moved that the names of Messrs. Johnson and Knoll be added as co-authors to S. F. No. 253. The motion prevailed.

Mr. Spear moved that the name of Ms. Berglin be added as co-author to S. F. No. 260. The motion prevailed.

Ms. Berglin moved that the name of Mr. Knoll be added as co-author to S. F. No. 292. The motion prevailed.

Mr. Humphrey moved that the name of Mr. Dahl be added as co-author to S. F. No. 295. The motion prevailed.

Mr. Pillsbury moved that S. F. No. 290 be withdrawn from the Committee on Local Government and Urban Affairs and re-referred to the Committee on Public Employees and Pensions. The motion prevailed.

Mr. Hughes introduced—

Senate Resolution No. 18: A Senate resolution recognizing and extending a welcome to the Nigerian legislative staff, Mr. Lawal Shehu, from the Kano State House of Assembly, and Mr. Esai Dangobar, from the Bauchi State House of Assembly, Nigeria, West Africa.

WHEREAS, the people of the West African nation of Nigeria have chosen a democratic system of government through their Constitution signed October 1, 1979; and,

WHEREAS, the National Assembly and the state legislatures of Nigeria have sought to enhance their legislatures by sending delegations of their legislative staff members to the United States for observation and study; and,

WHEREAS, as a part of this study program, a delegation of legislative staff from Nigeria is presently observing the State Legislature in our state; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Minnesota that the Senators gathered herein recognize the members of this delegation present in the chambers today and extend to them our friendship and acknowledgment of their efforts and the efforts of their homeland in establishing and preserving the principles of democracy as evidenced in their newly formed Constitution.

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

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Purfeerst in the chair.

After some time spent therein, the committee arose, and Mr. Purfeerst reported that the committee had considered the following:

S. F. Nos. 32, 85, 102 and 97, which the committee recommends to pass.

S. F. No. 77, which the committee recommends to pass with the following amendment offered by Mr. Davies:

Page 2, delete lines 24 to 29

Page 2, line 30, delete "*with section 303.25,*"

Reletter the clauses in sequence

The motion prevailed. So the amendment was adopted.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Renneke, Setzepfandt, Purfeerst, Mrs. Kronebusch and Mr. Berg introduced—

S.F. No. 298: A bill for an act relating to public waters; changing the procedure for the designation of public waters; amending Minnesota Statutes

1980, Section 105.391, Subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Ramstad, Mrs. Brataas, Messrs. Knutson, Waldorf and Menning introduced—

S.F. No. 299: A bill for an act relating to public welfare; removing the presumption of eligibility from the general assistance program; amending Minnesota Statutes 1980, Section 256D.07.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Peterson, C.C.; Ms. Berglin; Messrs. Solon; Luther and Lindgren introduced—

S.F. No. 300: A bill for an act relating to children; providing that certain children are neglected; amending Minnesota Statutes 1980, Section 260.015, Subdivision 10, and by adding a subdivision.

Referred to the Committee on Judiciary.

Messrs. Penny, Hughes, Renneke and Pehler introduced—

S.F. No. 301: A bill for an act relating to education; changing a reference to the provisions governing the student loan program; allowing parents of eligible students to obtain loans through the student loan program; increasing the bonding authority of the higher education coordinating board; expanding the career guidance program; transferring responsibility for certain portions of the statewide testing program; providing exclusive property rights in certain records; abolishing tuition subsidies for post-secondary vocational-technical school students; providing for certification of status of tuition subsidy recipients; amending Minnesota Statutes 1980, Sections 136A.141; 136A.15, by adding a subdivision; 136A.16, Subdivisions 3 and 4; 136A.17, Subdivisions 1, 4, 5, 7, and 10; 136A.171; 136A.85; 136A.86, Subdivisions 2, 3, and by adding a subdivision; repealing Minnesota Statutes 1980, Section 136A.236.

Referred to the Committee on Education.

Messrs. Davies; Peterson, R.W.; Ramstad; Nichols and Dahl introduced—

S.F. No. 302: A bill for an act relating to crimes; changing the amount of pecuniary gain on damage sustained incident to a violation of law requisite to being categorized as a felony; amending Minnesota Statutes 1980, Sections 609.27, Subdivision 2; 609.52, Subdivision 3; 609.53, Subdivision 1; and 609.563, Subdivision 1.

Referred to the Committee on Judiciary.

Messrs. Purfeerst, Lessard, Stern, Bang and Vega introduced—

S.F. No. 303: A bill for an act proposing an amendment to the Minnesota Constitution, Article X, adding a section; authorizing and taxing parimutuel wagering on races if authorized by law.

Referred to the Committee on General Legislation and Administrative Rules.

Messrs. Tennessen, Johnson, Merriam and Sieloff introduced—

S.F. No. 304: A bill for an act relating to state lands and tax-forfeited land sales; changing the interest rate on unpaid sale balances; amending Minnesota Statutes 1980, Sections 92.06, Subdivision 1; 94.11; 282.01, Subdivision 4; 282.15; 282.222, Subdivision 4; 282.261; and 282.35, Subdivisions 2 and 3.

Referred to the Committee on Judiciary.

Messrs. Moe, D.M.; Spear and Kroening introduced—

S.F. No. 305: A bill for an act relating to retirement; Minneapolis municipal employees retirement fund; authorizing the repayment of a refund by certain individuals.

Referred to the Committee on Public Employees and Pensions.

Messrs. Moe, D.M.; Peterson, C.C.; Spear and Renneke introduced—

S.F. No. 306: A bill for an act relating to insurance; providing for the calculation of state aid to police and fire departments; requiring property owners who self-insure or who insure in unauthorized companies to pay a tax equivalent amount; requiring an annual report from certain property owners; providing for the disposition of amounts collected; providing a penalty; appropriating money; amending Minnesota Statutes 1980, Sections 69.021, Subdivision 5; and 60.031, Subdivision 3; proposing new law coded as Minnesota Statutes, Chapter 287A; repealing Minnesota Statutes 1980, Sections 69.58 to 69.61.

Referred to the Committee on Public Employees and Pensions.

Messrs. Wegener; Bernhagen; Setzepfandt; Peterson, C.C. and Davis introduced—

S.F. No. 307: A bill for an act relating to commerce; authorizing the use of certain milk and dairy product containers; repealing Minnesota Statutes 1980, Sections 116F.21 and 116F.22.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Stern, Solon, Bang, Schmitz and Keefe introduced—

S.F. No. 308: A bill for an act relating to financial institutions; providing for maximum interest rates on overdraft checking loans; amending Minnesota Statutes 1980, Section 48.185, Subdivision 3.

Referred to the Committee on Commerce.

Messrs. Renneke; Menning; Purfeerst; Peterson, D.L. and Bernhagen introduced—

S.F. No. 309: A bill for an act relating to eminent domain; providing for attorney's fees on appeal; amending Minnesota Statutes 1980, Section 117.175, Subdivision 2.

Referred to the Committee on Judiciary.

Messrs. Bernhagen, Schmitz, Setzepfandt, Nichols and Frederick introduced—

S.F. No. 310: A bill for an act relating to labor; extending cooling-off

period; amending Minnesota Statutes 1980, Section 179.07.

Referred to the Committee on Employment.

Messrs. Dicklich, Solon and Johnson introduced—

S.F. No. 311: A bill for an act relating to public utilities; providing for rights of shareholders of cooperative electric associations; proposing new law coded in Minnesota Statutes, Chapter 216B.

Referred to the Committee on Judiciary.

Messrs. Dieterich; Peterson, D.L. and Lessard introduced—

S.F. No. 312: A bill for an act relating to the administration of criminal justice; requiring prosecuting authorities to notify victims of plea agreements; prohibiting courts from accepting plea agreements if the victim has not been notified; proposing new law coded in Minnesota Statutes, Chapter 630.

Referred to the Committee on Judiciary.

Messrs. Frederick, Taylor and Belanger introduced—

S.F. No. 313: A bill for an act relating to workers' compensation; revising the procedure for division of payroll; permitting the workers' compensation reinsurance association to incorporate; exempting the reinsurance association from taxation; providing for amendment to the reinsurance association plan of operation; making changes in rules, requirements and procedures affecting members of the reinsurance association; reenacting Laws 1980, Chapter 556, Sections 6, 7, 8, 9, 10, 11 and 13.

Referred to the Committee on Employment.

Mr. Stumpf introduced—

S.F. No. 314: A bill for an act relating to Ramsey County; simplifying the numbering of the county code; amending Laws 1974, Chapter 435, Articles I to IV, as amended.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Solon, Dieterich, Mrs. Lantry, Messrs. Dicklich and Nelson introduced—

S.F. No. 315: A bill for an act relating to health; establishing a state advisory council on epilepsy; appropriating money.

Referred to the Committee on Rules and Administration.

Mr. Frank introduced—

S.F. No. 316: A bill for an act relating to education; changing the ballot question for discretionary levy reverse referendums; amending Minnesota Statutes 1980, Section 275.125, Subdivision 7a.

Referred to the Committee on Education.

Mr. Dicklich introduced—

S.F. No. 317: A bill for an act relating to trade regulations; requiring service

stations selling motor vehicle fuel at retail to be equipped with operational devices for inflating motor vehicle tires; proposing new law coded in Minnesota Statutes, Chapter 325E.

Referred to the Committee on Commerce.

Messrs. Pehler, Sieloff, Chmielewski, Bernhagen and Schmitz introduced—

S.F. No. 318: A bill for an act relating to taxation; increasing the deduction for tuition, textbooks, and transportation of dependents attending certain schools; amending Minnesota Statutes 1980, Section 290.09, Subdivision 22.

Referred to the Committee on Education.

Messrs. Berg, Setzepfandt, Bernhagen and Schmitz introduced—

S.F. No. 319: A bill for an act relating to taxation; real property; providing a method for determining the value of agricultural land; amending Minnesota Statutes 1980, Section 273.11, Subdivision 1, and by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Lessard and Dicklich introduced—

S.F. No. 320: A bill for an act relating to taxation; reducing the motor vehicle excise tax on the purchase of new American-made vehicles; proposing new law coded in Minnesota Statutes, Chapter 297B.

Referred to the Committee on Employment.

Messrs. Dicklich and Lessard introduced—

S.F. No. 321: A bill for an act relating to taxation; income; allowing a credit equal to two percent of the purchase price of a new American-made motor vehicle; amending Minnesota Statutes 1980, Section 290.06, by adding a subdivision.

Referred to the Committee on Employment.

Messrs. Ramstad, Ashbach, Taylor, Frederickson and Knutson introduced—

S.F. No. 322: A bill for an act relating to health care; establishing a study council to examine and report on certain aspects of the catastrophic health expense protection act; appropriating money.

Referred to the Committee on Rules and Administration.

Mr. Dicklich introduced—

S.F. No. 323: A bill for an act relating to certain towns in St. Louis County; providing a method for determining whether to open or maintain certain town roads.

Referred to the Committee on Local Government and Urban Affairs.

Ms. Berglin, Messrs. Stern and Knoll introduced—

S.F. No. 324: A bill for an act relating to general assistance; providing for

vendor payments of grants prior to verification of applications; amending Minnesota Statutes 1980, Section 256D.09, Subdivision 1.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Hughes, Ms. Berglin, Messrs. Solon, Knutson and Sikorski introduced—

S.F. No. 325: A bill for an act relating to public welfare; establishing a grant mechanism for funding services to adult mentally ill persons in residential programs; setting forth responsibilities of the commissioner of public welfare; exempting residential facilities for mentally ill persons from certain requirements until July 1, 1984; appropriating money; amending Minnesota Statutes 1980, Section 245.812, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 245.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Peterson, C.C.; Hanson; Johnson; Olhoft and Frederick introduced—

S.F. No. 326: A bill for an act relating to taxation; income; property tax refund; adopting certain federal income tax amendments; amending Minnesota Statutes 1980, Sections 290.01, Subdivision 20; 290.06, Subdivision 14; 290.07, Subdivision 5; 290.077, Subdivision 4; 290.08, Subdivisions 8 and 20; 290.09, Subdivisions 2, 3, 4, 17a, and 19; 290.091; 290.131, Subdivision 2; 290.132, Subdivision 2; 290.135, Subdivision 2; 290.136, Subdivision 1; 290.138, by adding a subdivision; 290.26, Subdivision 2; 290.31, Subdivision 3; 290.41, by adding subdivisions; 290.92, Subdivision 20; 290.971, by adding a subdivision; 290A.03, Subdivision 3; and Laws 1980, Chapter 607, Article 1, Section 34; repealing Minnesota Statutes 1980, Sections 290.08, Subdivisions 7 and 13; 290.09, Subdivision 12; 290.136, Subdivisions 2, 3, 4, 5, 6, 7, and 9; 290.137, and 290.138, Subdivisions 1 and 2.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Pehler, Knoll and Wegener introduced—

S.F. No. 327: A bill for an act relating to criminal justice; establishing a crime control planning board; establishing regional crime control advisory councils; authorizing grants to regional crime control advisory councils; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 299A; repealing Minnesota Statutes 1980, Section 299A.03.

Referred to the Committee on Governmental Operations.

Mr. Frank introduced—

S.F. No. 328: A bill for an act relating to liens; modifying the penalties for failure to properly use the proceeds of payments made for the satisfaction of labor, skill, material, and machinery costs for improvements to real property; amending Minnesota Statutes 1980, Section 514.02, Subdivision 1.

Referred to the Committee on Judiciary.

Mr. Frank introduced—

S.F. No. 329: A bill for an act relating to probate; providing that certain

mobile homes are homesteads; amending Minnesota Statutes 1980, Section 525.145.

Referred to the Committee on Judiciary.

Messrs. Keefe and Bang introduced—

S.F. No. 330: A bill for an act relating to the Riley-Purgatory Creek Watershed District; authorizing certain tax levies.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Wegener, Chmielewski and Lessard introduced—

S.F. No. 331: A bill for an act relating to the military; expanding the authorized uses of the military land fund to include reseeding and tree spraying on military lands and to acquire services for the morale of troops serving at Camp Ripley; amending Minnesota Statutes 1980, Section 190.25, Subdivision 3.

Referred to the Committee on Agriculture and Natural Resources.

Ms. Berglin introduced—

S.F. No. 332: A bill for an act relating to public welfare; providing that every birth to a minor shall be reported within 24 hours to the commissioner of public welfare; amending Minnesota Statutes 1980, Section 257.33.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Ulland and Solon introduced—

S.F. No. 333: A bill for an act relating to public employees; regulating bargaining between instructional unit employees and the University of Minnesota; amending Minnesota Statutes 1980, Section 179.741, Subdivision 3.

Referred to the Committee on Public Employees and Pensions.

Messrs. Peterson, D.L.; Peterson, C.C.; Engler; Lindgren and Merriam introduced—

S.F. No. 334: A bill for an act relating to taxes; establishing Project Fair Share; providing for the investigation of unreported or underreported Minnesota income or failure to file a tax return and other cases where tax is owed to the state; appropriating money.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Sikorski, Frank and Ashbach introduced—

S.F. No. 335: A bill for an act relating to insurance; prohibiting insurance companies which offer funeral or burial expense policies from designating as beneficiaries under the policies persons who provide funeral or burial services and supplies; removing the prohibition against an insurance company's affiliation with a funeral establishment; proposing new law coded in Minnesota Statutes, Chapter 72A; repealing Minnesota Statutes 1980, Section 72A.321.

Referred to the Committee on Commerce.

Mr. Lessard introduced—

S.F. No. 336: A bill for an act relating to local government; making explicit the power of local government units to establish more than one recreation board; amending Minnesota Statutes 1980, Section 471.15.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Hughes, Humphrey, Dicklich, Lessard and Lindgren introduced—

S.F. No. 337: A bill for an act relating to education; providing for removing a pupil from class; establishing grounds for removal; establishing procedures for removal and return; amending Minnesota Statutes 1980, Sections 127.27, Subdivision 2, and by adding subdivisions; 127.28; 127.29, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 127.

Referred to the Committee on Education.

Mr. Nelson introduced—

S.F. No. 338: A bill for an act relating to public employment; eliminating certain part time adult vocational education instructors from the definition of public employee; amending Minnesota Statutes 1980, Section 179.63, Subdivision 7.

Referred to the Committee on Public Employees and Pensions.

Mr. Nelson introduced—

S.F. No. 339: A bill for an act relating to historic sites; designating an additional historic site; amending Minnesota Statutes 1980, Section 138.58, by adding a subdivision.

Referred to the Committee on General Legislation and Administrative Rules.

Messrs. Nichols, Bang, Belanger, Stern and Knoll introduced—

S.F. No. 340: A bill for an act relating to financial institutions; authorizing certain branch banks; providing for application and approval of branch banks; permitting change of locations and office closings; permitting establishment of branch banks through merger or consolidation; amending Minnesota Statutes 1980, Sections 48.34 and 49.34.

Referred to the Committee on Commerce.

Mr. Lessard introduced—

S.F. No. 341: A bill for an act relating to the town of Bass Brook; authorizing the town to exercise certain powers of a statutory city.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Nichols introduced—

S.F. No. 342: A bill for an act relating to workers' compensation; making the workers' compensation court of appeals an independent agency; creating medical panels for disability determinations; appropriating money; amending Minnesota Statutes 1980, Sections 175.006, Subdivision 1; 175.007, Subdivision 1; 175.07; 175.08; 175.10; 175.101; 175.11, Subdivision 1; 175.14;

and 175.17; 176.101, Subdivision 3; 176.291; proposing new law coded as Minnesota Statutes, Chapter 175A; proposing new law coded in Minnesota Statutes, Chapter 176; repealing Minnesota Statutes 1980, Sections 175.006, Subdivisions 1a and 2; 175.0061; 175.09; 176.155, Subdivision 2; and 176.391, Subdivisions 2, 3, and 4.

Referred to the Committee on Employment.

Messrs. Chmielewski, Lessard, Wegener, Johnson and Dicklich introduced—

S.F. No. 343: A bill for an act relating to taxation; motor vehicle excise tax; reducing the rate of tax on the purchase price of certain motor vehicles; appropriating money.

Referred to the Committee on Employment.

Messrs. Peterson, C.C.; Pillsbury; Frederickson; Nichols and Renneke introduced—

S.F. No. 344: A bill for an act relating to retirement; granting town employees an option as to public employees retirement association coverage for new employees; proposing new law coded in Minnesota Statutes, Chapter 353.

Referred to the Committee on Public Employees and Pensions.

Mr. Merriam introduced—

S.F. No. 345: A bill for an act relating to crimes; increasing the penalty for certain forms of cruelty to animals; amending Minnesota Statutes 1980, Section 346.29.

Referred to the Committee on Judiciary.

Messrs. Humphrey; Moe, R.D. and Chmielewski introduced—

S.F. No. 346: A bill for an act relating to workers' compensation; requiring detailed information on Minnesota business experience under workers' compensation insurance to be supplied by the Minnesota workers' compensation insurance rating association in any request for a modification of the rate schedule; proposing new law coded in Minnesota Statutes, Chapter 79.

Referred to the Committee on Employment.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess until 3:15 p.m. The motion prevailed.

The hour of 3:15 p.m. having arrived, the President called the Senate to order.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Monday, February 16, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

FIFTEENTH DAY

St. Paul, Minnesota, Monday, February 16, 1981

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

Prayer was offered by the Chaplain, Rev. William C. Sanden.

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

Ashbach	Dieterich	Lantry	Peterson, D.L.	Stern
Bang	Engler	Lessard	Peterson, R.W.	Stokowski
Belanger	Frank	Lindgren	Petty	Stumpf
Benson	Frederick	Luther	Pillsbury	Taylor
Berg	Frederickson	Menning	Purfeerst	Tennessen
Berglin	Hanson	Merriam	Ramstad	Ulland
Bernhagen	Hughes	Moe, D.M.	Renneke	Vega
Bertram	Humphrey	Moe, R.D.	Rued	Waldorf
Brataas	Johnson	Nelson	Schmitz	Wegener
Chmielewski	Keefe	Nichols	Setzepfandt	Willet
Dahl	Knutson	Olhoft	Sieloff	
Davies	Kroening	Pehler	Sikorski	
Davis	Kronebusch	Penny	Solon	
Dicklich	Langseth	Peterson, C.C.	Spear	

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

Mr. Knoll was excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

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

April 6, 1979

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment to the position of Executive Secretary of the State Board of Investment is hereby respectfully submitted to the Senate for confirmation as required by Minnesota Statutes, Section 11.11.

Jonathan P. White, 1485 Transit Avenue, Roseville, Ramsey County, has been appointed by the State Board of Investment, effective April 2, 1979, for an indeterminate term.

(Referred to the Committee on Public Employees and Pensions.)

Sincerely yours,
Albert H. Quie, Governor
Joan Anderson Growe
Secretary of State
Arne Carlson
State Auditor
Jim Lord
State Treasurer
Warren Spannaus
Attorney General

April 13, 1979

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment to the Public Employment Relations Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Karen A. Olsen, 1809 41st Avenue NE, Minneapolis, Anoka County, has been appointed by me, effective April 20, 1979, for a term expiring the first Monday in January, 1983.

(Referred to the Committee on Public Employees and Pensions.)

April 16, 1979

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment to the State Livestock Sanitary Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Jerry Rypka, Box 5, 18th Street SE, Owatonna, Steele County, has been appointed by me, effective April 16, 1979, for a term expiring the first Monday in January, 1983.

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

January 28, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointments to the Crime Control Planning Board are hereby respectfully submitted to the Senate for confirmation as required by law:

Elwood Bissett, 851 McKinley Place South, St. Cloud, Stearns County, has been appointed by me, effective February 1, 1980, for a term expiring the first Monday in January, 1984.

Robert W. Johnson, P.O. Box 128, Anoka, Anoka County, has been ap-

pointed by me, effective February 1, 1980, for a term expiring the first Monday in January, 1984.

John D. Wunsch, 4540 Aldrich Avenue South, Minneapolis, Hennepin County, has been appointed by me, effective February 1, 1980, for a term expiring the first Monday in January, 1984.

(Referred to the Committee on General Legislation and Administrative Rules.)

June 18, 1980

The Ho..orable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointments to the Minnesota Environmental Quality Board are hereby respectfully submitted to the Senate for confirmation as required by law:

Dr. C. Edward Buchwald, Route 1, Northfield, Rice County, has been appointed by me, effective June 18, 1980, for a term expiring the first Monday in January, 1984.

Lauren Larsen, 109 E. Anoka Street, Duluth, St. Louis County, has been appointed by me, effective June 18, 1980, for a term expiring the first Monday in January, 1982.

Allan E. Mulligan, 1500 Northwestern Financial Center, 7900 Xerxes Avenue South, Minneapolis, Hennepin County, has been appointed by me, effective June 18, 1980, for a term expiring the first Monday in January, 1983.

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

June 30, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointments to the Water Planning Board are hereby respectfully submitted to the Senate for confirmation as required by law:

Donald H. Ogaard, RR #1, Ada, Norman County, has been appointed by me, effective August 13, 1980, for a term expiring June 30, 1982.

Alvin Payne, Rt. 1, Box 40, DeGraff, Chippewa County, has been appointed by me, effective August 13, 1980, for a term expiring June 30, 1982.

Paul E. Toren, 805 Park Avenue, Mahtomedi, Washington County, has been appointed by me, effective August 13, 1980, for a term expiring June 30, 1982.

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

July 21, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointments to the Waste Management Board are hereby

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

Laurence E. Hunter, 807 W. 2nd Street, Hastings, Dakota County, has been appointed by me, effective July 21, 1980, for a term expiring the first Monday in January, 1984.

Keith Kuiter, Route 1, Box 51, Clarks Grove, Freeborn County, has been appointed by me, effective July 21, 1980, for a term expiring the first Monday in January, 1984.

William G. Kirchner, 6830 Newton Avenue South, Richfield, Hennepin County, has been appointed by me, effective July 21, 1980, for a term expiring the first Monday in January, 1984.

Milton L. Knoll, Jr., 2543 Orchard Lane, White Bear Lake, Ramsey County, has been appointed by me, effective July 21, 1980, for a term expiring the first Monday in January, 1984.

Louise Kuderling, 5340 3rd Avenue South, Minneapolis, Hennepin County, has been appointed by me, effective July 21, 1980, for a term expiring the first Monday in January, 1984.

Thomas T. Renner, 14747 County Road 30, Elk River, Sherburne County, has been appointed by me, effective July 21, 1980, for a term expiring the first Monday in January, 1984.

Allan B. Eide, Hitterdal, Clay County, has been appointed by me, effective July 21, 1980, for a term expiring the first Monday in January, 1984.

David Hartley, 4575 Lindahl Road, Hermantown, St. Louis County, has been appointed by me, effective July 21, 1980, for a term expiring the first Monday in January, 1984.

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

September 22, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment to the Crime Control Planning Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Helen I. Kelly, 3006 Kellogg Square, St. Paul, Ramsey County, has been appointed by me, effective September 22, 1980, for a term expiring the first Monday in January, 1981.

(Referred to the Committee on General Legislation and Administrative Rules.)

January 12, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

The following appointment as Commissioner of the Department of Veterans' Affairs is hereby respectfully submitted to the Senate for confirmation as required by law:

Charles T. Pinkham, 17130 28th Avenue North, Plymouth, Hennepin

County, has been appointed by me, effective December 31, 1980, for a term expiring the first Monday in January, 1983.

(Referred to the Committee on Veterans' Affairs.)

February 4, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

The following appointment as Director of the Minnesota Pollution Control Agency is hereby respectfully submitted to the Senate for confirmation as required by law:

Louis J. Breimhurst, 1374 Osceola Avenue, St. Paul, Ramsey County, has been appointed by me, effective February 2, 1981, for a term expiring the first Monday in January, 1983.

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

Sincerely yours,
Albert H. Quie, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H. F. No. 230.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 12, 1981

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H. F. No. 230: A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state bonds; appropriating money.

Mr. Moe, R.D. moved that H. F. No. 230 be laid on the table. The motion prevailed.

REPORTS OF COMMITTEES

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

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

S. F. No. 14: A bill for an act relating to statutes; defining terms; amending Minnesota Statutes 1980, Section 645.44.

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

Page 4, line 4, after "*mandatory*" insert ", *and may not be construed as*

directory''

Page 4, line 5, after ''*Should*'' insert a quotation mark

Page 4, line 5, delete ''*directive*'' and insert ''*directory*''

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

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

S. F. No. 15: A bill for an act relating to statutes; providing a general reference for statutes that change dollar amounts to conform to price changes; proposing new law coded in Minnesota Statutes, Chapter 645.

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

Page 1, line 9, after ''*1.*'' insert ''[BASE INDEX.]''

Page 1, line 11, delete ''*consumer price index for all*'' and insert ''*implicit price deflator for the gross national product, 1972 =*''

Page 1, delete line 12

Page 1, line 13, delete ''*compiled*'' and insert ''*published*''

Page 1, line 13, delete ''*Labor*'' and insert ''*Commerce*''

Page 1, line 14, delete ''*December*'' and insert ''*the fourth quarter*''

Page 1, line 17, after ''*2.*'' insert ''[CHANGED DOLLAR AMOUNTS.]''

Page 2, line 2, after ''*3.*'' insert ''[CHANGED INDEX.]''

Page 2, line 7, delete ''*Labor*'' and insert ''*Commerce*''

Page 2, line 11, after ''*4.*'' insert ''[PUBLICATION.]''

Page 2, line 21, delete ''*to*''

Page 2, delete line 22, and insert ''*in implementing the provisions of this section.*''

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

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

S. F. No. 46: A bill for an act relating to property; enacting the uniform disposition of community property rights at death act; proposing new law coded in Minnesota Statutes, Chapter 525.

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

Page 1, line 8, delete ''*This act applies*'' and insert '' *Sections 1 to 10 apply*''

Page 1, line 24, delete ''*this act applies*'' and insert '' *sections 1 to 10 apply*''

Page 2, lines 4, 10, 13, 19, 24, 32 and 37, delete ''*this act applies*'' and insert ''*sections 1 to 10 apply*''

Page 3, lines 6, 11, 27 and 30, delete ''*this act applies*'' and insert ''*sections 1 to 10 apply*''

Page 3, line 16, delete "*this act*" and insert "*sections 1 to 10 apply*"

Page 3, line 17, delete "*applies*"

Page 3, lines 26, 29 and 33, delete "*This act does*" and insert "*Sections 1 to 10 do*"

Page 3, line 37, delete "*This act*" and insert "*Sections 1 to 10*"

Page 4, after line 1, insert:

"Sec. 11. [EFFECTIVE DATE.]

Sections 1 to 10 are effective July 1, 1982."

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

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

S. F. No. 149: A bill for an act relating to delivery or filing of documents; providing for timely delivery or filing of certain documents with respect to weekends and holidays; proposing new law coded in Minnesota Statutes, Chapter 645.

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

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1980, Section 645.15, is amended to read:

645.15 [COMPUTATION OF TIME.]

Where the performance or doing of any act, duty, matter, payment, or thing is ordered or directed, and the period of time or duration for the performance or doing thereof is prescribed and fixed by law, ~~such~~ *the* time, except as otherwise provided in sections 645.13 and 645.14, shall be computed so as to exclude the first and include the last day of ~~any such~~ *the* prescribed or fixed period or duration of time. When the last day of ~~such~~ *the* period falls on *Saturday*, Sunday or ~~on any day made~~ a legal holiday, ~~by the laws of this state or of the United States, such~~ *that* day shall be omitted from the computation."

Page 1, line 16, delete everything after the period

Page 1, delete lines 17 to 22

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "amending Minnesota Statutes 1980, Section 645.15;"

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

Mr. Knoll from the Committee on Governmental Operations, to which was referred

S. F. No. 175: A bill for an act relating to accountancy; removing an expiration provision related to the board of accountancy; repealing Laws 1979, Chapter 326, Section 15.

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

Mr. Knoll from the Committee on Governmental Operations, to which was referred

S. F. No. 176: A bill for an act relating to the legislature; making permanent the council on the economic status of women; changing certain membership and reporting requirements of the council; appropriating money; amending Laws 1976, Chapter 337, Section 1, Subdivisions 2 and 4, as amended, and Subdivision 3; repealing Laws 1976, Chapter 337, Section 3, as amended.

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

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

S. F. No. 179: A bill for an act relating to economic development; regulating loans to Indians; amending Minnesota Statutes 1980, Section 362.40.

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

Page 2, line 29, after "*department*" insert "*to the extent monies are available in the fund provided pursuant to section 362.40, subdivision 8*"

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

Mr. Olhoft from the Committee on General Legislation and Administrative Rules, to which were referred the following appointments as reported in the Journal for January 19, 1981:

STATE ZOOLOGICAL BOARD

Herbert R. Goldenberg
Harveydale Maruska
Hazel H. Reinhardt

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

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

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

S. F. No. 167: A bill for an act relating to the city of Moorhead; increasing the amount which the city may expend for public transportation services; amending Laws 1969, Chapter 192, Section 1.

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

Page 1, line 18, strike "such" and insert "*the*"

Page 2, line 1, delete "*This act*" and insert "*Section 1*"

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

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

S. F. No. 159: A bill for an act relating to transportation; providing for the allocation of federal aid secondary funds; and the full utilization of those funds; amending Minnesota Statutes 1980, Section 161.086.

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

Page 1, line 16, strike "such" and insert "*the*"

Page 1, line 18, strike "such" and insert "*the*"

Page 1, after line 24, insert:

"Sec. 2. [EFFECTIVE DATE.]

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

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

SECOND READING OF SENATE BILLS

S. F. Nos. 14, 15, 46, 149, 175, 179 and 159 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Chmielewski moved that the name of Mr. Nelson be added as co-author to S. F. No. 179. The motion prevailed.

Mr. Pehler moved that the name of Mr. Petty be added as co-author to S. F. No. 205. The motion prevailed.

Mr. Tennessen moved that the name of Mr. Lessard be added as co-author to S. F. No. 304. The motion prevailed.

Mr. Merriam moved that the names of Messrs. Stern and Keefe be added as co-authors to S. F. No. 345. The motion prevailed.

Mr. Olhoft moved that the Governor's appointment to the Crime Control Planning Board, as shown in the Journal for January 19, 1981, be withdrawn from the Committee on Health, Welfare and Corrections and re-referred to the Committee on General Legislation and Administrative Rules. The motion prevailed.

Mr. Moe, R.D. moved that H.F. No. 230 be taken from the table. The motion prevailed.

H. F. No. 230: A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state bonds; appropriating money.

SUSPENSION OF RULES

Mr. Willet moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H. F. No. 230 and that the rules of the Senate be so far suspended as to give H. F. No. 230 its second and third reading and place it on its final passage. The motion prevailed.

H. F. No. 230 was read the second time.

Mr. Willet moved to amend H. F. No. 230 as follows:

Delete everything after the enacting clause and insert:

"Section 1. [PUBLIC LAND AND BUILDINGS; APPROPRIATIONS.] The sums set forth in the column designated "APPROPRIATIONS" are ap-

propriated from the state building fund, or any other fund designated, to the state agencies indicated, to be expended for the acquisition and betterment of public land and buildings and other public improvements of a capital nature, as more specifically described in the following sections of this act.

SUMMARY

ADMINISTRATION	$13,443,000
NATURAL RESOURCES	739,000
MILITARY AFFAIRS	998,000
EDUCATION	4,939,000
STATE UNIVERSITIES	597,000
UNIVERSITY OF MINNESOTA	9,209,000
CORRECTIONS	4,742,200
PUBLIC WELFARE	10,888,000
ECONOMIC SECURITY	250,000
MINNESOTA HISTORICAL SOCIETY	975,000
BOND SALE EXPENSES	30,000
TOTAL	$46,810,200
Building Fund	46,810,200

APPROPRIATIONS

Sec. 2. [ADMINISTRATION.]
To the commissioner of administration for the purposes specified in this section $13,443,000

Subdivision 1. Handicapped access to state buildings ..... $ 4,265,000

This appropriation shall not be expended for physical remodeling wherever accessibility for the handicapped may be provided by program changes including rescheduling, relocation of classes, or other methods.

The commissioner of administration shall present a proposed work program to the chairmen of the house appropriations and senate finance committees and the council for the handicapped for review and comment prior to encumbering money for accessibility remodeling.

Subd. 2. Energy conservation 5,000,000

This appropriation is only for energy projects that have an estimated payback in energy savings in five years or less.

The commissioner of administration shall present a proposed work program to the chairmen of the house appropriations and senate finance committees for review and comment prior to encumbering money for energy conservation.

None of this appropriation shall be used for painting walls.

	APPROPRIATIONS	
Subd. 3. Emergency contingent account ...	450,000	
This appropriation is available for expenditure with the approval of the governor after consultation with the legislative advisory commission pursuant to section 3.30.		
Subd. 4. Prepare preliminary plans for conversion of Mechanic Arts High School to state use	42,000	
The commissioner of administration in consultation with members of the legislature shall present a plan to the chairman of the house appropriations committee and chairman of the senate finance committee by January 15, 1982 for the utilization of remodeled space in the capitol complex.		
Subd. 5. Repair capitol roof	1,392,000	
Subd. 6. Replace break switches	80,000	
Subd. 7. Remodel Supreme Court Clerk's office	53,000	
Subd. 8. Life safety improvements in Capitol Square	2,161,000	
Sec. 3. [NATURAL RESOURCES.]		
To the commissioner of natural resources for the improvement of the Badoura forest nursery ...		739,000
Sec. 4. [MILITARY AFFAIRS.]		
To the adjutant general for the purposes more specifically described in the following subdivisions of this section		998,000
Subdivision 1. Energy conservation projects at armories	236,000	
Subd. 2. Purchase of Lake McCarron's Elementary School for National Guard	762,000	
Sec. 5. [EDUCATION.]		
To the commissioner of administration, except as otherwise provided, for the purposes more specifically described in the following subdivisions of this section		4,939,000
Subdivision 1. Minnesota School for the Deaf and Minnesota Braille and Sight Saving School - General remodeling and repairs	150,000	
Subd. 2. Minnesota Braille and Sight Saving School		
Building for blind and multi-handicapped students	4,605,000	

		APPROPRIATIONS
This appropriation includes funds for construction, building demolition, vocational building code compliance, utilities, site work, and fees on the campus of the Minnesota Braille and Sight Saving School.		
Subd. 3. To the state board of education for post-secondary vocational-technical construction in the school districts for handicapped access	184,000	
This appropriation is for remodeling to improve access for physically handicapped persons at area vocational technical institutes.		
Sec. 6. [STATE UNIVERSITIES.]		
To the commissioner of administration for systemwide replacement of windows		597,000
Sec. 7. [UNIVERSITY OF MINNESOTA.]		
To the regents of the university of Minnesota for the purposes more specifically described in the following subdivisions of this section		9,209,000
Subdivision 1. Minneapolis Campus		
Continuation of heating plant conversion	4,069,000	
Subd. 2. St. Paul Campus		
Planning funds for replacement of heating plant boiler	200,000	
Subd. 3. Crookston Campus	2,680,000	
(a) Improve heating plant 2,500,000		
(b) Rehabilitate primary electric system 180,000		
Subd. 4. Waseca Campus		
Rehabilitate primary electric system and utilities	260,000	
Subd. 5. System-wide	2,000,000	
(a) Upgrade facilities to accommodate physically handicapped 1,000,000		
(b) Remodel facilities to conserve energy 1,000,000		
The appropriation in (b) above is to be spent on projects as shown on official conference committee work papers.		
Sec. 8. [CORRECTIONS.]		
To the commissioner of administration for the purposes more specifically described in the following subdivisions of this section		4,742,200
Subdivision 1. Minnesota Correctional Facility - Red Wing - Repair Knox cottage	42,000	

	APPROPRIATIONS	
Subd. 2. Willow River Camp		
Construct building for truck body shop	63,000	
Subd. 3. Minnesota Correctional Facility - Sauk Centre	66,200	
(a) Replace underground water lines	31,000	
(b) Replace boiler	25,000	
(c) Sinclair Lewis Hall repairs	10,200	
Subd. 4. Minnesota Correctional Facility - Stillwater	3,860,000	
(a) Health and safety measures	1,000,000	
(b) Power plant improvements	2,523,000	
(c) Masonry renovation	337,000	
Subd. 5. Minnesota Correctional Facility - St. Cloud	711,000	
(a) New windows in cell house B	73,000	
(b) New windows in industries building	74,000	
(c) Replace cell house screens	52,000	
(d) Refinish interior walls of cell houses	195,000	
(e) Reroof E house	117,000	
(f) Dayroom for B house	150,000	
(g) Masonry renovation	50,000	
Sec. 9. [PUBLIC WELFARE.]		
To the commissioner of administration for the purposes more specifically described in the following subdivisions of this section		10,888,000
Subdivision 1. Ah-Gwah-Ching State Nursing Home	1,085,000	
(a) Fire safety	512,000	
(b) Remodel residences	167,000	
(c) New water tower	196,000	
(d) Ash handling system	210,000	
Subd. 2. Oak Terrace State Nursing Home roof repair 11 and 17	71,000	
Subd. 3. Anoka State Hospital Emergency generator	199,000	
Subd. 4. Brainerd State Hospital	1,499,000	
(a) Roof repair	299,000	
(b) Remodel resident building	1,200,000	
Subd. 5. Cambridge State Hospital	934,000	
(a) Roof repair	361,000	
(b) Life safety code remodeling	350,000	
(c) Elevators in cottages 8 and 11	223,000	
Subd. 6. Faribault State Hospital	3,141,000	
(a) Remodel cottages and medical hospital	2,024,000	
(b) Roof repair	514,000	

	APPROPRIATIONS
(c) Renovate laundry 353,000	
(d) Emergency lighting 250,000	
Subd. 7. Fergus Falls State Hospital	558,000
(a) Fire and life safety remodeling 250,000	
(b) Roof repair 308,000	
Subd. 8. Moose Lake State Hospital	897,000
(a) Roof repair 132,000	
(b) Remodel buildings 765,000	
Subd. 9. Rochester State Hospital	175,000
(a) Remodel building 8 77,000	
(b) Roofs 98,000	
Subd. 10. St. Peter State Hospital	1,825,000
(a) Complete construction of the security hospital 862,000	
(b) Roof repair 245,000	
(c) Life safety code remodeling 500,000	
(d) Emergency generator 218,000	
Subd. 11. Willmar State Hospital	504,000
(a) Licensure code remodeling 265,000	
(b) Remodel bathing facilities 154,000	
(c) Roof repair 80,000	
(d) Repair deep well 5,000	

Subd. 12. In order to expedite the projects at state hospitals and nursing homes provided for in this section, the commissioner of administration may retain the designing architects and engineers currently working on similar projects at these hospitals and need not follow the procedure for selection of architects and engineers set forth in Minnesota Statutes, Chapter 16.

Subd. 13. The commissioner of administration may transfer unencumbered balances in any of the subdivisions in this section to other subdivisions in this section. The transfers may be completed after notifying the chairmen of the senate finance committee and house appropriations committee of the purpose, reason, and amount of the transfer.

Sec. 10. [ECONOMIC SECURITY.]

To the commissioner of administration to renovate St. Paul area office	250,000

Sec. 11. [MINNESOTA HISTORICAL SOCIETY.]

To the Minnesota historical society for the purposes specified in this section	975,000
Subdivision 1. Preservation of research center and installation of sprinkler system	150,000

	APPROPRIATIONS
Subd. 2. Plan and design Itasca Interpretive center	139,000
Federal Great River Road funds may be used to supplement this appropriation.	
Subd. 3. Restore Lac Qui Parle Mission	88,000
The Minnesota historical society shall consult with the research committees of the Chippewa County and Lac Qui Parle County historical societies with regard to the history of the area and the restoration of the site.	
Subd. 4. Interior and exterior renovation at Hill house	568,000
Federal Great River Road funds may be used to supplement this appropriation.	
Subd. 5. Handicapped access - Historical building	30,000
Sec. 12. [BOND SALE EXPENSES.]	
To the commissioner of finance for bond sale expenses pursuant to Minnesota Statutes, Section 16A.64, Subdivision 4.	30,000

Sec. 13. [BOND SALE; DEBT SERVICE.] *To provide the money appropriated in this act from the state building fund the commissioner of finance upon request of the governor shall sell and issue bonds of the state in an amount up to $46,815,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, Sections 16A.63 to 16A.67 and by the Constitution, Article XI, Sections 4 to 7.*

Sec. 14. [CONSULTATION REQUIRED.] *No land shall be purchased and no buildings shall be purchased, constructed, or erected on lands of the university of Minnesota until the regents have first consulted with the chairman of the senate finance committee and the chairman of the house appropriations committee and obtained their recommendations, which are advisory only.*

Sec. 15. [REVIEW OF PLANS.] *The commissioner of administration and the board of regents of the university of Minnesota shall not prepare final plans and specifications for any construction or major remodeling authorized by this act until the using agency or department has presented the program and schematic plans to the chairman of the house appropriations committee and the chairman of the senate finance committee and the chairmen have made their recommendations thereon. The recommendations are advisory only. Failure or refusal to make a recommendation promptly is deemed a negative recommendation.*

Sec. 16. [APPROPRIATIONS FOR CONSTRUCTION; TRANSFER.] *Upon the awarding of final contracts for the completion of any project for construction or other permanent improvement authorized by this act, the commissioner of administration and the board of regents of the university of Minnesota as to appropriations made to them may transfer any unencumbered balance in the project account to any other project enumerated in the same section of the appropriation act as the project about to be completed. The money transferred pursuant to this section is appropriated for the purposes for*

which transferred. The commissioner of administration and the board of regents of the university of Minnesota shall report to the chairman of the house appropriations committee and the chairman of the senate finance committee on any transfer made pursuant to this section.

Sec. 17. [APPROPRIATIONS FOR CONSTRUCTION; FEDERAL MONEY; EXCEEDING AUTHORIZED COST.] *The commissioner of administration and the board of regents of the university of Minnesota shall apply for the maximum federal share for each capital improvement project for which money is appropriated by this act. Encumbrance or expenditure of money in excess of the project authorization shall be made only after the commissioner of administration and the board of regents, as appropriate, have consulted with the chairman of the house appropriations committee and the chairman of the senate finance committee and the chairmen have made their recommendations thereon. The recommendations are advisory only. Failure or refusal to make a recommendation promptly is deemed a negative recommendation.*

Sec. 18. [METHODS OF ACQUISITION.] *Where money has been appropriated by this act to the commissioner of administration to acquire lands or sites for public buildings or real estate, acquisition may be by gift, purchase, or condemnation proceedings. Condemnation proceedings shall be pursuant to chapter 117.*

Sec. 19. [CANCELLATION.]

For each appropriation made in this act, each project shall have completed the designer selection board process within 60 days, and shall be obligated by award of contract within 26 weeks. Those projects not meeting each of these requirements shall be abandoned and the appropriation shall immediately lapse and be cancelled to the state bond fund. If an extraordinary condition arises, the governor may authorize the continuation of a project beyond the deadline only after consulting with the chairmen of the house appropriations and senate finance committees for their recommendation. The deadlines established shall be determined from the date of final enactment.

Sec. 20. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

The motion prevailed. So the amendment was adopted.

H.F. No. 230 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Lantry	Peterson, D.L.	Stern
Bang	Engler	Lessard	Peterson, R.W.	Stokowski
Belanger	Frank	Lindgren	Petty	Stumpf
Benson	Frederick	Luther	Pillsbury	Taylor
Berg	Frederickson	Menning	Purfeerst	Tennessen
Berglin	Hanson	Merriam	Ramstad	Ulland
Bernhagen	Hughes	Moe, D.M.	Renneke	Vega
Bertram	Humphrey	Moe, R.D.	Rued	Waldorf
Brataas	Johnson	Nelson	Schmitz	Wegener
Chmielewski	Keefe	Nichols	Setzepfandt	Willet
Dahl	Knutson	Olhoft	Sieloff	
Davies	Kroening	Pehler	Sikorski	
Davis	Kronebusch	Penny	Solon	
Dicklich	Langseth	Peterson, C.C.	Spear	

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

Mr. Willet moved that S.F. No. 201 be laid on the table. The motion prevailed.

CALENDAR

S. F. No. 77: A bill for an act relating to foreign corporations; removing certain deficiencies and ambiguities; defining certain activities that do not constitute transacting business in the state; and removing limitations on engaging in the business of making real estate loans; amending Minnesota Statutes 1980, Sections 303.02, Subdivision 3; 303.03; 303.04; and 303.25.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Langseth	Penny	Sikorski
Bang	Dieterich	Lantry	Peterson, C.C.	Solon
Belanger	Engler	Lessard	Peterson, D.L.	Spear
Benson	Frank	Lindgren	Peterson, R.W.	Stokowski
Berg	Frederick	Luther	Petty	Stumpf
Berglin	Frederickson	Menning	Pillsbury	Taylor
Bernhagen	Hughes	Merriam	Purfeerst	Tennessen
Bertram	Humphrey	Moe, D.M.	Ramstad	Ulland
Brataas	Johnson	Moe, R.D.	Renneke	Vega
Chmielewski	Keefe	Nelson	Rued	Waldorf
Dahl	Knutson	Nichols	Schmitz	Wegener
Davies	Kroening	Olhoft	Setzepfandt	Willet
Davis	Kronebusch	Pehler	Sieloff	

So the bill passed and its title was agreed to.

S. F. No. 32: A bill for an act relating to cemeteries; requiring the maintenance of certain abandoned cemeteries; amending Minnesota Statutes 1980, Section 306.243, Subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 40 and nays 25, as follows:

Those who voted in the affirmative were:

Berg	Hanson	Menning	Peterson, R.W.	Spear
Berglin	Hughes	Merriam	Petty	Stokowski
Bernhagen	Humphrey	Moe, D.M.	Renneke	Stumpf
Chmielewski	Johnson	Moe, R.D.	Rued	Tennessen
Davies	Kroening	Nelson	Schmitz	Vega
Dieterich	Lantry	Nichols	Sieloff	Waldorf
Engler	Lessard	Pehler	Sikorski	Wegener
Frank	Luther	Penny	Solon	Willet

Those who voted in the negative were:

Ashbach	Brataas	Frederickson	Lindgren	Purfeerst
Bang	Dahl	Keefe	Olhoft	Ramstad
Belanger	Davis	Knutson	Peterson, C.C.	Setzepfandt
Benson	Dicklich	Kronebusch	Peterson, D.L.	Taylor
Bertram	Frederick	Langseth	Pillsbury	Ulland

So the bill passed and its title was agreed to.

S. F. No. 85: A bill for an act relating to towns; providing for separate election of town supervisors; amending Minnesota Statutes 1980, Section 367.03, by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Langseth	Penny	Sikorski
Bang	Engler	Lantry	Peterson, C.C.	Solon
Belanger	Frank	Lessard	Peterson, D.L.	Spear
Benson	Frederick	Lindgren	Peterson, R.W.	Stokowski
Berg	Frederickson	Luther	Petty	Stumpf
Bernhagen	Hanson	Menning	Pillsbury	Taylor
Bertram	Hughes	Merriam	Purfeerst	Tennessen
Brataas	Humphrey	Moe, D.M.	Ramstad	Ulland
Chmielewski	Johnson	Moe, R.D.	Renneke	Vega
Dahl	Keefe	Nelson	Rued	Waldorf
Davies	Knutson	Nichols	Schmitz	Wegener
Davis	Kroening	Olhoft	Setzepfandt	Willet
Dicklich	Kronebusch	Pehler	Sieloff	

So the bill passed and its title was agreed to.

S. F. No. 102: A bill for an act relating to towns; providing for certain notice requirements; amending Minnesota Statutes 1980, Section 365.12.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Dieterich	Lantry	Peterson, C.C.	Solon
Belanger	Engler	Lessard	Peterson, D.L.	Spear
Benson	Frank	Lindgren	Peterson, R.W.	Stokowski
Berg	Frederick	Luther	Petty	Stumpf
Berglin	Frederickson	Menning	Pillsbury	Taylor
Bernhagen	Hanson	Merriam	Purfeerst	Tennessen
Bertram	Hughes	Moe, D.M.	Ramstad	Ulland
Brataas	Humphrey	Moe, R.D.	Renneke	Vega
Chmielewski	Johnson	Nelson	Rued	Waldorf
Dahl	Knutson	Nichols	Schmitz	Wegener
Davies	Kroening	Olhoft	Setzepfandt	Willet
Davis	Kronebusch	Pehler	Sieloff	
Dicklich	Langseth	Penny	Sikorski	

So the bill passed and its title was agreed to.

S. F. No. 97: A bill for an act relating to agriculture; changing Todd County from area one to area four for the purposes of potato promotion; amending Minnesota Statutes 1980, Section 30.464, Subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 48 and nays 15, as follows:

Those who voted in the affirmative were:

Ashbach	Frank	Luther	Peterson, R.W.	Stokowski
Berglin	Hanson	Menning	Petty	Taylor
Bertram	Hughes	Merriam	Pillsbury	Tennessen
Brataas	Humphrey	Moe, D.M.	Purfeerst	Ulland
Chmielewski	Johnson	Moe, R.D.	Ramstad	Vega
Dahl	Keefe	Nelson	Schmitz	Waldorf
Davies	Knutson	Olhoft	Setzepfandt	Wegener
Davis	Kroening	Pehler	Sikorski	Willet
Dicklich	Lantry	Penny	Solon	
Dieterich	Lessard	Peterson, C.C.	Spear	

Those who voted in the negative were:

Bang	Berg	Frederick	Langseth	Renneke
Belanger	Bernhagen	Frederickson	Lindgren	Rued
Benson	Engler	Kronebusch	Peterson, D.L.	Sieloff

So the bill passed and its title was agreed to.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Petty and Stern introduced—

S.F. No. 347: A bill for an act relating to Hennepin county; providing for the administration of the county library system; repealing Laws 1957, Chapter 788, as amended; and Extra Session Laws 1967, Chapter 24, as amended.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Spear introduced—

S.F. No. 348: A bill for an act relating to Hennepin County; providing for the acquisition of hospital facilities; permitting issuance of bonds.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Bertram, Menning, Chmielewski, Olhoft and Rued introduced—

S.F. No. 349: A bill for an act relating to public health; requiring family planning employees who advise an abortion, sterilization, or contraceptive use to a minor to notify the parent before this recommendation; amending Minnesota Statutes 1980, Section 145.925, Subdivision 4.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Ulland, Johnson, Dicklich, Chmielewski and Solon introduced—

S.F. No. 350: A bill for an act relating to agriculture; limiting the applicability and changing the size of county extension committees; amending Minnesota Statutes 1980, Section 38.36.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Olhoft introduced—

S.F. No. 351: A bill for an act relating to employment; regulating employee

inventions related to energy; amending Minnesota Statutes 1980, Section 181.78, by adding a subdivision.

Referred to the Committee on Commerce.

Messrs. Tennessen, Ashbach, Davies, Hanson and Moe, R.D. introduced—

S.F. No. 352: A bill for an act relating to commerce; providing for the regulation of motor vehicle franchises; prohibiting certain practices by motor vehicle manufacturers; removing motor vehicle franchises from the general statutory provisions regarding franchises; prescribing penalties; providing remedies; amending Minnesota Statutes 1980, Section 80C.01, Subdivision 4; proposing new law coded as Minnesota Statutes, Chapter 80E; repealing Minnesota Statutes 1980, Sections 168.27, Subdivision 21; and 325D.17 to 325D.29.

Referred to the Committee on Commerce.

Messrs. Lessard, Johnson, Wegener, Solon and Dicklich introduced—

S.F. No. 353: A bill for an act relating to local government; setting conditions for group insurance contract bids; amending Minnesota Statutes 1980, Section 471.616, Subdivision 1.

Referred to the Committee on Commerce.

Messrs. Peterson, C.C.; Hanson; Olhoft; Merriam and Setzepfandt introduced—

S.F. No. 354: A bill for an act relating to taxation; estate tax; clarifying certain deductions; updating references to internal revenue code; clarifying the method of computing credits; clarifying exemptions and exclusions; providing for a statute of limitations; eliminating obsolete references; providing disclosure of data to certain persons; clarifying recording procedures; amending Minnesota Statutes 1980, Sections 290.01, Subdivision 20; 291.005, Subdivision 1; 291.03, Subdivision 1; 291.05; 291.065; 291.09, Subdivision 3a; 291.20, Subdivision 1; 291.31, Subdivision 1; 291.48; and 600.21.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Peterson, C.C.; Renneke; Frederickson; Spear and Moe, D.M. introduced—

S.F. No. 355: A bill for an act relating to retirement; providing post retirement annuity or benefit increases for certain retired or disabled public employees; appropriating funds; amending Laws 1979, Chapter 293, Section 10, Subdivision 3.

Referred to the Committee on Public Employees and Pensions.

Messrs. Langseth; Moe, R.D.; Hanson; Peterson, C.C. and Frederick introduced—

S.F. No. 356: A bill for an act relating to taxation; authorizing certain taxing districts to provide property tax exemption or abatement for certain new business facilities; requiring an adjustment of the EARC valuation; adjusting the

local government aid formula; amending Minnesota Statutes 1980, Sections 124.212; and 477A.01, Subdivision 4; proposing new law coded in Minnesota Statutes, Chapter 273.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Johnson, Bertram, Davis and Dicklich introduced—

S.F. No. 357: A bill for an act relating to the environment; providing for county referenda on nuclear waste sites; proposing new law coded in Minnesota Statutes, Chapter 115A.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Tennessen, Frank, Bang, Keefe and Menning introduced—

S.F. No. 358: A bill for an act relating to intoxicating liquor; requiring proof of financial responsibility; amending Minnesota Statutes 1980, Sections 340.11, by adding a subdivision; 340.12; and 340.353, by adding a subdivision.

Referred to the Committee on Commerce.

Mr. Nichols introduced—

S.F. No. 359: A bill for an act relating to workers' compensation; altering and establishing schedules of payment for permanent partial disability; amending Minnesota Statutes 1980, Section 176.101, Subdivision 3.

Referred to the Committee on Employment.

Mrs. Lantry, Messrs. Belanger and Waldorf introduced—

S.F. No. 360: A bill for an act relating to metropolitan government; providing for certain transit commission plans and passes; amending Minnesota Statutes 1980, Sections 473.408, Subdivisions 6 and 7; and 473.411, Subdivision 1.

Referred to the Committee on Transportation.

Messrs. Hanson; Peterson, C.C.; Willet; Johnson and Moe, R.D. introduced—

S.F. No. 361: A bill for an act relating to taxation; real property; providing a reduced assessment ratio for industrial and commercial property; amending Minnesota Statutes 1980, Section 273.13, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Purfeerst, Menning, Renneke, Setzepfandt and Lessard introduced—

S.F. No. 362: A bill for an act relating to claims against the state; reimbursing owners for certain damage by wild animals;appropriating money; proposing new law coded in Minnesota Statutes, Chapter 3.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Bernhagen, Olhoft, Frederick, Menning and Nichols introduced—

S.F. No. 363: A bill for an act relating to labor; providing labor dispute procedures in certain emergency situations; proposing new law coded in Minnesota Statutes, Chapter 179.

Referred to the Committee on Employment.

Messrs. Luther, Bang, Johnson and Frederick introduced—

S.F. No. 364: A bill for an act relating to cable communications; providing for resolution of certain pole attachment disputes; amending Minnesota Statutes 1980, Section 238.02, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 238.

Referred to the Committee on Commerce.

Mr. Spear; Ms. Berglin; Messrs. Moe, D.M. and Dahl introduced—

S.F. No. 365: A bill for an act relating to state employees; authorizing the deduction from salaries or wages of sums of moneys designated by them for certain combined charitable funds; amending Minnesota Statutes 1980, Section 15.375.

Referred to the Committee on Public Employees and Pensions.

Messrs. Moe, R.D.; Johnson; Ashbach and Frederick introduced—

S.F. No. 366: A bill for an act relating to taxation; providing a new schedule for payment of income taxes withheld from wages; giving temporary rulemaking authority; appropriating money; amending Minnesota Statutes 1980, Section 290.92, Subdivision 6.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Ramstad, Renneke, Spear, Ashbach and Moe, D.M. introduced—

S.F. No. 367: A bill for an act relating to retirement; apportionment of state aid to firefighter's relief associations; amending Minnesota Statutes 1980, Sections 69.011, Subdivision 1; and 69.021, Subdivisions 6 and 7.

Referred to the Committee on Public Employees and Pensions.

Ms. Berglin; Mrs. Stokowski; Messrs. Moe, D.M. and Kroening introduced—

S.F. No. 368: A bill for an act relating to housing; requiring municipal housing plans to incorporate policies to minimize displacement and encourage citizen participation; establishing maximum downpayment requirements; eliminating the exemption of income limits for loans in certain areas of municipalities; providing that multifamily housing loans may be used to acquire structures for purposes of conversion to cooperative ownership; amending Minnesota Statutes 1980, Sections 462C.03, Subdivisions 1, 3, and 7; and 462C.05, Subdivision 1; repealing Minnesota Statutes 1980, Sections 462C.03, Subdivision 8; and 462C.05, Subdivision 3.

Referred to the Committee on Energy and Housing.

Messrs. Solon, Johnson, Knoll, Ulland and Vega introduced—

S.F. No. 369: A bill for an act relating to the state building code, authorizing stricter fire prevention standards in certain municipalities; proposing new law coded in Minnesota Statutes, Chapter 16.

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

Messrs. Purfeerst, Rued, Willet, Johnson and Dicklich introduced—

S.F. No. 370: A bill for an act relating to transportation; including motels within the specific information signing program; amending Minnesota Statutes 1980, Sections 160.292; 160.293, Subdivisions 1 and 3; and 160.295, Subdivision 3.

Referred to the Committee on Transportation.

Messrs. Berg, Rued, Schmitz, Benson and Bertram introduced—

S.F. No. 371: A bill for an act relating to agriculture; repealing a ban on the use of nonreturnable plastic milk containers; repealing Minnesota Statutes 1980, Sections 116F.21 and 116F.22.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Schmitz, Renneke, Davis and Menning introduced—

S.F. No. 372: A bill for an act relating to agriculture; removing certain buyers and sellers of hay and straw from commission merchant licensing requirements; amending Minnesota Statutes 1980, Sections 223.01; 223.02; 223.03; and 223.05; repealing Minnesota Statutes 1980, Sections 223.06 and 223.12.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Solon and Ulland introduced—

S.F. No. 373: A bill for an act relating to the city of Duluth; authorizing the fire chief to issue variances from the provisions of the state fire code under certain circumstances.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Bertram, Penny, Rued, Setzepfandt and Langseth introduced—

S.F. No. 374: A bill for an act relating to solid and hazardous waste; prohibiting waste disposal and processing sites on agricultural land; amending Minnesota Statutes 1980, Sections 115A.03, by adding a subdivision; 115A.09, Subdivision 2; 115A.20; 116.081, by adding a subdivision; 368.01, Subdivision 14; 412.221, Subdivision 22; 473.153, Subdivision 2; and 473.803, Subdivision 1a; proposing new law coded in Minnesota Statutes, Chapters 116C and 400.

Referred to the Committee on Agriculture and Natural Resources.

Ms. Berglin and Mr. Luther introduced—

S.F. No. 375: A bill for an act relating to Hennepin county; providing for the administration of health care and related services of the county; providing for the administration of the duties and the appointment of the county medical examiner; repealing Laws 1963, Chapter 738, as amended; and Laws 1963, Chapter 848, as amended.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Dicklich, Ms. Berglin, Messrs. Luther, Johnson and Dahl introduced—

S.F. No. 376: A bill for an act relating to taxation; altering the method of taxing the income of certain oil companies by prohibiting their use of the arithmetic average allocation formula and of certain deductions; amending Minnesota Statutes 1980, Sections 290.01, Subdivision 19, and by adding a subdivision; 290.09, Subdivision 8; and 290.19, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Nelson introduced—

S.F. No. 377: A bill for an act relating to economic development; appropriating money to permit the small business finance agency to participate in business loans; amending Minnesota Statutes 1980, Section 362.53, Subdivision 12.

Referred to the Committee on Employment.

Ms. Berglin; Messrs. Peterson, R.W.; Davies; Mrs. Stokowski and Mr. Sieloff introduced—

S.F. No. 378: A bill for an act relating to marriage dissolution; clarifying factors to consider in awarding maintenance; amending Minnesota Statutes 1980, Section 518.552.

Referred to the Committee on Judiciary.

Mr. Sieloff, by request, introduced—

S.F. No. 379: A bill for an act relating to commerce; providing for an additional exemption to a certain mechanic's lien notice requirement; amending Minnesota Statutes 1980, Section 514.011, Subdivision 4.

Referred to the Committee on Judiciary.

Messrs. Luther, Sikorski, Ms. Berglin, Messrs. Petty and Dahl introduced—

S.F. No. 380: A bill for an act relating to crimes; establishing the crime of commercial bribery; prescribing penalties; proposing new law coded in Minnesota Statutes, Chapter 609.

Referred to the Committee on Judiciary.

Messrs. Luther, Sikorski, Ms. Berglin, Messrs. Petty and Dahl introduced—

S.F. No. 381: A bill for an act relating to crimes; specifying offenses relating to computers; providing penalties; proposing new law coded in Minnesota

Statutes 1980, Chapter 609.

Referred to the Committee on Judiciary.

Messrs. Luther, Ulland, Merriam, Willet and Dahl introduced—

S.F. No. 382: A bill for an act relating to recycling of solid waste; authorizing counties to license redemption centers; requiring payment of a refund on nonrefillable beverage containers; imposing duties on the commissioner of revenue and county auditors; imposing penalties; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 116F.

Referred to the Committee on Agriculture and Natural Resources.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00a.m., Thursday, February 19, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

SIXTEENTH DAY

St. Paul, Minnesota, Thursday, February 19, 1981

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

Prayer was offered by the Chaplain, Dr. Carl L. Manfred.

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

Ashbach	Dicklich	Kroening	Olhoft	Sikorski
Bang	Dieterich	Kronebusch	Pehler	Solon
Belanger	Engler	Langseth	Penny	Spear
Benson	Frank	Lantry	Peterson, C.C.	Stern
Berg	Frederick	Lessard	Peterson, D.L.	Stokowski
Berglin	Frederickson	Lindgren	Peterson, R.W.	Stumpf
Bernhagen	Hanson	Luther	Petty	Taylor
Bertram	Hughes	Menning	Pillsbury	Tennessen
Brataas	Humphrey	Merriam	Purfeerst	Ulland
Chmielewski	Johnson	Moe, D.M.	Ramstad	Vega
Dahl	Keefe	Moe, R.D.	Renneke	Waldorf
Davies	Knoll	Nelson	Rued	Wegener
Davis	Knutson	Nichols	Setzepfandt	Willet

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Schmitz and Sieloff were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

January 21, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

It is my pleasure to advise you that I have delivered to the Office of the Secretary of the Senate the names of notaries public in the State of Minnesota.

Pursuant to the provisions of Article V, Section 3, of the Minnesota Constitution, I hereby appoint those individuals as notaries public, and hereby request the advice and consent of the Senate in those appointments.

Sincerely,
Albert H. Quie, Governor

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

February 3, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

The following appointment to the Public Service Commission is hereby respectfully submitted to the Senate for confirmation as required by law:

Leo G. Adams, 7200 39th Avenue North, New Hope, Hennepin County, has been appointed by me, effective June 19, 1980, for a term expiring the first Monday in January, 1986.

(Referred to the Committee on Commerce.)

Sincerely,
Albert H. Quie, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 230.

H. F. No. 230: A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state bonds; appropriating money.

And the House respectfully requests that a Conference Committee of three members be appointed thereon.

Sieben, M.; Kahn and Nelsen, B., have been appointed as such committee on the part of the House.

House File No. 230 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 16, 1981

Mr. Willet moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 230, 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 appointed on the part of the House. The motion prevailed.

REPORTS OF COMMITTEES

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

Mr. Stumpf from the Committee on Elections and Reapportionment, to which were referred the following appointments as reported in the Journal for January 19, 1981:

STATE ETHICAL PRACTICES BOARD

Judith G. Schotzko
Bruce W. Okney

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

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

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

S. F. No. 247: A bill for an act relating to metropolitan government; providing for the maximum amount of the borrowing authorization of the metropolitan airports commission; amending Minnesota Statutes 1980, Section 473.667, Subdivision 2.

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

Page 1, line 22, strike "such" and insert "*those*"

Page 1, line 24, delete "*This act*" and insert "*Section 1*"

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

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

S. F. No. 288: A bill for an act relating to economic development; establishing a uniform business licensing policy; defining its scope; and detailing its application and effect; proposing new law coded in Minnesota Statutes, Chapter 362.

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

Page 2, line 17, after "*than*" insert "*specified by statute. If a fee is authorized but not specified by statute, the fee shall be no greater than*"

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

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

S. F. No. 286: A bill for an act relating to economic development; prescribing the powers and duties of the bureau of business licenses regarding the consolidation, simplification, and expedition of business license procedures of state agencies; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 352.

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

Page 1, delete lines 11 to 20

Page 1, line 21, delete "*Therefore,*"

Page 2, delete lines 20 to 24 and insert:

"*Subd. 7.* [BUSINESS LICENSE.] *"Business license" or "license" means any permit, registration, certification, or other form of approval authorized by statute or rule to be issued by any agency or instrumentality of the*

state of Minnesota as a condition of doing business in Minnesota. The term also includes, where applicable, the substantive and procedural criteria governing the qualifications for, and issuance and maintenance of, a business license.''

Page 6, line 22, delete ''3'' and insert ''8''

Amend the title as follows:

Page 1, line 7, delete ''352'' and insert ''362''

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

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

S. F. No. 346: A bill for an act relating to workers' compensation; requiring detailed information on Minnesota business experience under workers' compensation insurance to be supplied by the Minnesota workers' compensation insurance rating association in any request for a modification of the rate schedule; proposing new law coded in Minnesota Statutes, Chapter 79.

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

Page 1, after line 10, insert:

''Section 1. Minnesota Statutes 1980, Section 79.171, is amended to read:

79.171 [INFORMATION.]

In addition to other information that the commissioner requests pursuant to section 79.071, the rating association shall: (a) separate the incurred but not reported losses of its members; (b) separate paid and outstanding losses of its members; (c) provide information indicating cases in which its members have established a reserve in excess of $50,000; and (d) provide *a sufficient amount of* information ~~on~~ *related specifically to Minnesota for purposes of determining* the income on invested reserves of its members.

The commissioner shall consider this information in an appropriate manner in adopting a schedule of rates, *giving explicit consideration to the income on invested reserves of the Minnesota members of the rating association*, and shall decline to grant a hearing pursuant to section 79.071 if the association fails to provide the information*; provided, however, to the extent that the information received in a pending or future petition for a modification of the existing schedule of rates is insufficient to allow the commissioner to give explicit consideration to the income on invested reserves of the Minnesota members of the rating association, the commissioner shall withhold a final determination with respect to the adoption of a schedule of rates pursuant to section 79.071, subdivisions 4 and 5; and, provided further, if the commissioner withholds final consideration pursuant to this section, then he shall hold additional hearings as he deems necessary and the provisions of section 79.071, subdivision 5, shall not apply.*''

Page 1, line 12, delete ''*Subdivision 1.* [DUTIES OF COMMISSIONER.]''

Page 1, line 17, after ''*79.171*'' delete everything before the period

Pages 1 to 3, delete subdivisions 2 and 3

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after the semicolon, insert "amending Minnesota Statutes 1980, Section 79.171;"

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

Mr. Chmielewski from the Committee on Employment, to which was referred the following appointment as reported in the Journal for January 22, 1981:

WORKERS' COMPENSATION COURT OF APPEALS

Raymond O. Adel

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

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

SECOND READING OF SENATE BILLS

S. F. Nos. 247 and 346 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Penny moved that the name of Mr. Taylor be added as co-author to S. F. No. 301. The motion prevailed.

Mr. Dicklich moved that the name of Mr. Dahl be added as co-author to S. F. No. 311. The motion prevailed.

Mr. Dieterich moved that the name of Mr. Dahl be added as co-author to S. F. No. 312. The motion prevailed.

Mr. Frank moved that the name of Mr. Dahl be added as co-author to S. F. No. 329. The motion prevailed.

Mr. Johnson moved that the name of Mr. Dahl be added as co-author to S. F. No. 357. The motion prevailed.

Mr. Wegener moved that S. F. No. 331 be withdrawn from the Committee on Agriculture and Natural Resources and re-referred to the Committee on Public Employees and Pensions. The motion prevailed.

RECESS

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

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

Remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Reports of Committees.

REPORTS OF COMMITTEES

APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H. F. No. 230: Messrs. Willet, Nelson and Ashbach.

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

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Wegener moved that S. F. No. 331 be withdrawn from the Committee on Public Employees and Pensions and re-referred to the Committee on General Legislation and Administrative Rules. The motion prevailed.

Messrs. Bang and Petty introduced—

Senate Resolution No. 19: A Senate resolution unaugurating James Van Valkenburg as an unsenator from Edina.

Referred to the Committee on Rules and Administration.

Ms. Berglin; Messrs. Moe, D.M.; Dicklich and Knoll introduced—

Senate Concurrent Resolution No. 3: A Senate concurrent resolution proclaiming February as Black History Month.

Referred to the Committee on Rules and Administration.

Mr. Solon moved that S. F. No. 369 be withdrawn from the Committee on Rules and Administration and re-referred to the Committee on Governmental Operations. The motion prevailed.

Mr. Nichols moved that S. F. No. 146 be withdrawn from the Committee on Employment and returned to its author. The motion prevailed.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Luther in the chair.

After some time spent therein, the committee arose, and Mr. Luther reported that the committee had considered the following:

S. F. Nos. 153, 200 and 171, which the committee recommends to pass.

H. F. No. 23, which the committee recommends to pass, subject to the following motion:

Mr. Renneke moved that the amendment made to H. F. No. 23 by the Committee on Rules and Administration in the report adopted February 12, 1981, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

S. F. No. 121, which the committee reports progress, subject to the following motion:

Mr. Olhoft moved to amend S. F. No. 121 as follows:

Page 1, line 18, after "*intent*" insert "*and effect*"

Page 1, line 25, delete "*adequately*" and insert "*clearly*"

Page 1, line 26, after "*intent*" insert "*and effect*"

The motion prevailed. So the amendment was adopted.

S. F. No. 121 was then progressed.

S. F. No. 74, which the committee recommends to pass with the following amendment offered by Mr. Chmielewski:

Page 1, line 16, delete "*volates*" and insert "*violates*"

The motion prevailed. So the amendment was adopted.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Stern and Tennessen introduced—

S.F. No. 383: A bill for an act relating to financial institutions; authorizing federal funds transactions for credit unions; removing the limitation on insurance commission income and prohibiting participation of officials in such income; permitting the sale of real estate loans; amending Minnesota Statutes 1980, Section 52.04, Subdivision 1.

Referred to the Committee on Commerce.

Messrs. Frank, Setzepfandt and Mrs. Stokowski introduced—

S.F. No. 384: A bill for an act relating to local government; providing that charter commission documents be available to the public; amending Minnesota Statutes 1980, Sections 410.05, Subdivision 4; and 410.07.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Johnson; Peterson, C.C.; Davies; Frederick and Sieloff introduced—

S.F. No. 385: A bill for an act relating to taxation; income; providing a credit for certain research and experimental expenditures; proposing new law coded in Minnesota Statutes, Chapter 290.

Referred to the Committee on Taxes and Tax Laws.

Mr. Menning introduced—

S.F. No. 386: A bill for an act relating to the city of Pipestone; fixing the method of determining its population for certain purposes.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Rued, Setzepfandt and Frederickson introduced—

S.F. No. 387: A bill for an act relating to agriculture; imposing certain requirements on milk houses for milk used for manufacturing; amending Minnesota Statutes 1980, Section 32.212.

Referred to the Committee on Agriculture and Natural Resources.

Ms. Berglin, Messrs. Purfeerst and Sikorski introduced—

S.F. No. 388: A bill for an act relating to public employment; altering the

definition of supervisors in public sector collective bargaining; amending Minnesota Statutes 1980, Section 179.63, Subdivision 9a; repealing Minnesota Statutes 1980, Section 179.63, Subdivision 9.

Referred to the Committee on Public Employees and Pensions.

Mr. Stumpf introduced—

S.F. No. 389: A bill for an act relating to the collection and dissemination of data; administration of the state archives and state and local government records; classifying data; providing a penalty; amending Minnesota Statutes 1980, Sections 15.17; 138.161; 138.17, Subdivisions 1, 6, 7, and by adding subdivisions; 138.19; 138.20; 138.21; proposing new law coded in Minnesota Statutes, Chapter 138; repealing Minnesota Statutes 1980, Sections 16.66 and 138.18.

Referred to the Committee on Judiciary.

Messrs. Pehler, Davis, Merriam and Dicklich introduced—

S.F. No. 390: A bill for an act relating to education; requiring the board of education to establish and fill the position of specialist for industrial arts education and to prescribe the duties of the specialist; appropriating money; amending Minnesota Statutes 1980, Section 121.11, by adding a subdivision.

Referred to the Committee on Education.

Messrs. Dieterich; Moe, D.M.; Vega and Chmielewski introduced—

S.F. No. 391: A bill for an act relating to labor; defining a professional strikebreaker to include certain salaried employees; amending Minnesota Statutes 1980, Section 179.01, Subdivision 16.

Referred to the Committee on Employment.

Mrs. Brataas, Messrs. Nelson, Pehler, Nichols and Ashbach introduced—

S.F. No. 392: A bill for an act relating to meetings of public bodies; allowing public employers to determine negotiation strategy at a nonpublic meeting; amending Minnesota Statutes 1980, Section 471.705, by adding a subdivision.

Referred to the Committee on Governmental Operations.

Messrs. Menning, Luther, Johnson, Frederickson and Bang introduced—

S.F. No. 393: A bill for an act relating to taxation; providing that property owned by certain senior citizens' groups be exempt from taxation; amending Minnesota Statutes 1980, Section 272.02, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Menning, Nichols, Berg, Bernhagen and Wegener introduced—

S.F. No. 394: A bill for an act relating to agriculture; protecting agricultural operations from nuisance suits under certain circumstances; proposing new law coded in Minnesota Statutes, Chapter 561.

Referred to the Committee on Agriculture and Natural Resources.

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

S.F. No. 395: A bill for an act relating to taxation; extending the period for filing gravel tax reports and sending notice of overdue returns; amending Minnesota Statutes 1980, Section 298.75, Subdivisions 2 and 3.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Pillsbury, Spear, Stumpf, Renneke and Frederickson introduced—

S.F. No. 396: A bill for an act relating to retirement; extending the option for purchase of prior service credit by certain legislative employees; amending Laws 1975, Chapter 388, Section 1, Subdivision 3, as added and amended.

Referred to the Committee on Public Employees and Pensions.

Messrs. Chmielewski and Lessard introduced—

S.F. No. 397: A bill for an act relating to civil actions; providing for a two year limitation of time for commencing an action for malpractice against podiatrists; amending Minnesota Statutes 1980, Section 541.07.

Referred to the Committee on Judiciary.

Mr. Bang, Mrs. Brataas, Messrs. Tennessen, Spear and Keefe introduced—

S.F. No. 398: A bill for an act relating to commerce; modifying the definition of continuing care for purposes of the continuing care facility registration act; amending Minnesota Statutes 1980, Section 80D.02, Subdivision 2.

Referred to the Committee on Commerce.

Messrs. Frank, Dahl, Purfeerst, Mrs. Brataas and Ms. Berglin introduced—

S.F. No. 399: A bill for an act relating to drugs; requiring imprinting of legend drugs; amending Minnesota Statutes 1980, Section 151.361.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Wegener, Lessard, Bernhagen, Setzepfandt and Peterson, C.C. introduced—

S.F. No. 400: A bill for an act relating to peace officers; changing the designation of part-time officers and reserve officers; removing the hours of work limitation for certain part-time peace officers; permitting reserve peace officers to carry firearms in emergencies; providing for two additional members on the peace officers standards and training board; authorizing the board to provide for training for certain part-time peace officers; authorizing the board to obtain criminal history data; amending Minnesota Statutes 1980, Sections 214.10, Subdivision 7; 626.84; 626.841; 626.843, Subdivision 1; 626.845, Subdivision 1; 626.846, Subdivisions 1 and 2; 626.8461; 626.8462; 626.8463; 626.8464; 626.8465, Subdivisions 1 and 2; 626.851, Subdivision 1; and 626.852.

Referred to the Committee on General Legislation and Administrative Rules.

Messrs. Keefe, Willet, Schmitz and Benson introduced—

S.F. No. 401: A bill for an act relating to elections; changing certain pro-

cedures and the effect of absentee ballots; amending Minnesota Statutes 1980, Section 207.05, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 207.

Referred to the Committee on Elections and Reapportionment.

Mrs. Brataas; Messrs. Moe, D.M.; Renneke; Peterson, C.C. and Pillsbury introduced—

S.F. No. 402: A bill for an act relating to retirement; providing post retirement annuity or benefit increases for certain retired or disabled public employees; appropriating funds; amending Laws 1979, Chapter 293, Section 10, Subdivision 3.

Referred to the Committee on Public Employees and Pensions.

Messrs. Renneke, Berg and Purfeerst introduced—

S.F. No. 403: A bill for an act relating to taxation; income tax; requiring indication on tax return of school district in which taxpayer resides; amending Minnesota Statutes 1980, Section 290.39, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Renneke; Peterson, C.C.; Frederickson and Spear introduced—

S.F. No. 404: A bill for an act relating to retirement; various retirement funds; authorizing disability benefit recipients to elect an actuarially equivalent optional annuity; amending Minnesota Statutes 1980, Sections 352.113, Subdivision 12, and by adding a subdivision; 352.95, Subdivision 5, and by adding a subdivision; 352B.10; 352B.105; 353.33, Subdivision 11, and by adding a subdivision; 353.656, Subdivision 6, and by adding a subdivision; 354.48, Subdivision 10, and by adding a subdivision; and 354A.36, Subdivision 10, and by adding a subdivision.

Referred to the Committee on Public Employees and Pensions.

Messrs. Nichols, Pehler, Nelson, Petty and Tennessen introduced—

S.F. No. 405: A bill for an act relating to workers' compensation; providing for insurance rate setting by individual insurance companies; eliminating duties of rating bureau of Minnesota; creating and eliminating duties for the commissioner of insurance; amending Minnesota Statutes 1980, Sections 70A.02; 70A.04, by adding a subdivision; 70A.08, by adding a subdivision; 70A.09; 70A.19; and 176.185, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapters 70A and 176; repealing Minnesota Statutes 1980, Chapter 79.

Referred to the Committee on Employment.

Messrs. Dieterich, Chmielewski, Ms. Berglin, Mr. Sikorski and Mrs. Brataas introduced—

S.F. No. 406: A bill for an act relating to public welfare; authorizing grants to county boards to provide semi-independent living services for mentally retarded persons; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 252.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Tennessen, Petty and Luther introduced—

S.F. No. 407: A bill for an act relating to game and fish; re-affirming the protected status of mourning doves; amending Minnesota Statutes 1980, Section 100.27, Subdivision 6; and by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Olhoft, Ms. Berglin, Messrs. Sikorski, Purfeerst and Dieterich introduced—

S.F. No. 408: A bill for an act relating to public welfare; providing for a statewide program of subsidies for families of mentally retarded children; amending Minnesota Statutes 1980, Section 252.27, Subdivision 4.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Keefe, Stern, Humphrey and Bang introduced—

S.F. No. 409: A bill for an act relating to metropolitan government; providing for election and salaries of council members and for administration of council business; amending Minnesota Statutes 1980, Sections 15A.081, Subdivision 7; and 473.123, Subdivisions 2, 4, 5, and 6, and by adding subdivisions.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Sikorski introduced—

S.F. No. 410: A bill for an act relating to public safety; requiring certain rules promulgated by the commissioner of public safety be subject to the administrative procedure act; amending Minnesota Statutes 1980, Section 169.128.

Referred to the Committee on General Legislation and Administrative Rules.

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

S.F. No. 411: A bill for an act relating to game and fish; selection of deer licensees in certain restricted hunting areas; amending Minnesota Statutes 1980, Section 97.48, Subdivision 24.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Peterson, R.W.; Dahl and Petty introduced—

S.F. No. 412: A bill for an act relating to commerce; providing that state exemptions allowed a debtor in bankruptcy proceedings are exclusive; proposing new law coded in Minnesota Statutes, Chapter 550.

Referred to the Committee on Judiciary.

Messrs. Vega, Nichols, Pehler, Mrs. Lantry and Mr. Nelson introduced—

S.F. No. 413: A bill for an act relating to labor; regulating migrant labor; requiring employers and recruiters to provide employment statements to migrant workers; setting requirements for employment statements and for payment of wages to migrant workers; providing for private causes of action;

proposing new law coded in Minnesota Statutes, Chapter 181.

Referred to the Committee on Employment.

Mr. Schmitz introduced—

S.F. No. 414: A bill for an act relating to motor vehicles; authorizing the identification of certain tax exempt vehicles by use of removable plates or placards; amending Minnesota Statutes 1980, Section 168.012, Subdivision 1.

Referred to the Committee on Transportation.

Messrs. Menning, Nichols, Setzepfandt, Berg and Frederickson introduced—

S.F. No. 415: A bill for an act relating to waters; requiring posting and publication of notice of aeration operations by a municipality or political subdivision; establishing a presumption of due care; proposing new law coded in Minnesota Statutes, Chapter 378.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Knoll, Spear, Knutson, Dicklich and Mrs. Stokowski introduced—

S.F. No. 416: A bill for an act relating to labor and employment; status of certain tenured private college employees under compulsory retirement laws; amending Minnesota Statutes 1980, Section 181.811.

Referred to the Committee on Employment.

Mr. Pehler introduced—

S.F. No. 417: A bill for an act relating to taxation; income tax; increasing the exclusion for pension income; amending Minnesota Statutes 1980, Section 290.01, Subdivision 20.

Referred to the Committee on Taxes and Tax Laws.

Ms. Berglin; Messrs. Spear; Moe, D.M. and Renneke introduced—

S.F. No. 418: A bill for an act relating to retirement; various public pension funds; clarifying service credit for employees in the Minnesota demonstration job-sharing program; amending Minnesota Statutes 1980, Section 43.60, Subdivision 3; proposing new law coded in Minnesota Statutes, Chapter 43.

Referred to the Committee on Public Employees and Pensions.

Messrs. Peterson, C.C.; Spear; Renneke and Frederickson introduced—

S.F. No. 419: A bill for an act relating to retirement; Minneapolis teachers retirement fund association; providing for the purchase of military service credit by certain members; authorizing an amendment to the articles of incorporation of the retirement fund.

Referred to the Committee on Public Employees and Pensions.

Messrs. Moe, D.M.; Spear; Mrs. Lantry; Messrs. Knoll and Ulland introduced—

S.F. No. 420: A bill for an act relating to retirement; providing post re-

tirement annuity or benefit increases for certain retired or disabled public employees; appropriating funds; amending Laws 1979, Chapter 293, Section 10, Subdivision 3.

Referred to the Committee on Public Employees and Pensions.

Messrs. Petty, Johnson, Dahl and Lindgren introduced—

S.F. No. 421: A bill for an act relating to criminal procedure; providing officers of the United States customs service and the immigration and naturalization service with the arrest powers of peace officers; amending Minnesota Statutes 1980, Sections 629.30; and 629.34.

Referred to the Committee on Judiciary.

Messrs. Dieterich, Nichols, Chmielewski, Luther and Taylor introduced—

S.F. No. 422: A bill for an act relating to workers' compensation; creating a small claims division within the workers' compensation division of the department of labor and industry; proposing new law coded in Minnesota Statutes, Chapter 176.

Referred to the Committee on Employment.

Mr. Frank, Mmes. Stokowski and Lantry introduced—

S.F. No. 423: A bill for an act relating to crimes; authorizing peace officers to make arrest upon probable cause in cases of domestic abuse; amending Minnesota Statutes 1980, Section 629.341, Subdivision 1.

Referred to the Committee on Judiciary.

Messrs. Moe, D.M.; Spear; Peterson, C.C. and Renneke introduced—

S.F. No. 424: A bill for an act relating to retirement; teacher retirement funds; providing for periodic increases in the amount of employer contributions to the teachers retirement association and to the teachers retirement fund associations in cities of the first class; amending Minnesota Statutes 1980, Sections 354.42, Subdivision 5; and 354A.12, Subdivision 2.

Referred to the Committee on Public Employees and Pensions.

Messrs. Wegener; Setzepfandt; Peterson, D.L.; Chmielewski and Nichols introduced—

S.F. No. 425: A bill for an act relating to state police aid; distribution and disposition thereof; amending Minnesota Statutes 1980, Sections 69.011, Subdivisions 1 and 2; 69.021, Subdivision 7; and 69.031, Subdivision 5.

Referred to the Committee on Public Employees and Pensions.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Monday, February 23, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

SEVENTEENTH DAY

St. Paul, Minnesota, Monday, February 23, 1981

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

Prayer was offered by the Chaplain, Rev. Warren Egebo.

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

Ashbach	Frank	Lessard	Peterson, R.W.	Stern
Bang	Frederick	Lindgren	Petty	Stokowski
Belanger	Frederickson	Luther	Pillsbury	Stumpf
Benson	Hughes	Menning	Purfeerst	Taylor
Berglin	Humphrey	Merriam	Ramstad	Tennessen
Bernhagen	Johnson	Moe, D.M.	Renneke	Ulland
Brataas	Keefe	Nelson	Rued	Vega
Chmielewski	Knoll	Nichols	Setzepfandt	Waldorf
Davies	Knutson	Olhoft	Sieloff	Wegener
Dicklich	Kroening	Pehler	Sikorski	Willet
Dieterich	Kronebusch	Penny	Solon	
Engler	Lantry	Peterson, D.L.	Spear	

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; Bertram; Dahl; Davis; Hanson; Moe, R.D.; Peterson, C.C. and Schmitz were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

February 13, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S. F. No. 1.

Sincerely yours,
Albert H. Quie, Governor

February 17, 1981

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

The Honorable Jack Davies
President of the Senate

I have the honor to inform you that the following enrolled Act of the 1981 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1981	Date Filed 1981
1		1	February 13	February 13

Sincerely,

Joan Anderson Growe
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S. F. No. 23.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 19, 1981

REPORTS OF COMMITTEES

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

Mr. Humphrey from the Committee on Energy and Housing, to which was referred the following appointment as reported in the Journal for January 26, 1981:

MINNESOTA ENERGY AGENCY
DIRECTOR

Mark E. Mason

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

Mr. Sikorski moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Stumpf from the Committee on Elections and Reapportionment, to which was referred

S. F. No. 262: A bill for an act relating to Independent School District No. 625; providing for times of election and terms of office; amending Laws 1965, Chapter 705, Section 1, Subdivision 2, as amended.

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

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

Mr. Stumpf from the Committee on Elections and Reapportionment, to which was referred

S. F. No. 100: A bill for an act relating to taxation; providing a credit against the income tax for contributions to candidates for local elective office and removing restriction concerning campaign expenditure limitation agreements; amending Minnesota Statutes 1980, Section 290.06, Subdivision 11.

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

Page 1, lines 20 to 24, reinstate the stricken language

Page 1, line 22, strike "office or" and insert a comma

Page 1, line 22, after "federal" insert "*or local*"

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

Mr. Stumpf from the Committee on Elections and Reapportionment, to which was referred

S. F. No. 52: A bill for an act relating to elections; fair campaign practices; providing a penalty for denial of access to certain dwellings; amending Minnesota Statutes 1980, Section 210A.43, Subdivision 4.

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

Page 1, line 11, after "*a*" insert "*petty*"

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

SECOND READING OF SENATE BILLS

S. F. No. 52 was read the second time.

MOTIONS AND RESOLUTIONS

Ms. Berglin moved that the name of Mr. Spear be added as co-author to Senate Concurrent Resolution No. 3. The motion prevailed.

Mr. Nelson moved that the name of Mr. Lessard be added as co-author to S. F. No. 81. The motion prevailed.

Mr. Merriam moved that the name of Mr. Lindgren be added as co-author to S. F. No. 345. The motion prevailed.

Mr. Humphrey moved that the name of Mr. Dahl be added as co-author to S. F. No. 346. The motion prevailed.

Ms. Berglin moved that the name of Mr. Vega be added as co-author to S. F. No. 388. The motion prevailed.

Mr. Pehler moved that the name of Mr. Solon be added as co-author to S. F. No. 390. The motion prevailed.

Mr. Peterson, C.C. moved that the name of Mr. Penny be added as co-author to S. F. No. 411. The motion prevailed.

Mr. Pehler moved that the name of Mr. Solon be added as co-author to S. F.

No. 417. The motion prevailed.

Mr. Frank moved that the name of Mr. Dahl be added as co-author to S. F. No. 423. The motion prevailed.

Mr. Moe, D.M. moved that the name of Mr. Knoll be added as co-author to S. F. No. 424. The motion prevailed.

CALENDAR

H.F. No. 23: A bill for an act relating to the city of Madison Lake; authorizing the issuance of general obligation bonds for a municipal center.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 53 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Lantry	Petty	Stern
Bang	Frank	Lessard	Pillsbury	Stokowski
Belanger	Frederick	Lindgren	Purfeerst	Stumpf
Benson	Frederickson	Luther	Ramstad	Taylor
Berglin	Hughes	Menning	Renneke	Tennessen
Bernhagen	Humphrey	Nelson	Rued	Ulland
Brataas	Keefe	Olhoft	Setzepfandt	Vega
Chmielewski	Knoll	Pehler	Sieloff	Waldorf
Davies	Knutson	Penny	Sikorski	Willet
Dicklich	Kroening	Peterson, D.L.	Solon	
Dieterich	Kronebusch	Peterson, R.W.	Spear	

So the bill passed and its title was agreed to.

S. F. No. 74: A bill for an act relating to trade regulations; prescribing a penalty for the sale of imitation Indian-made goods without a brand; amending Minnesota Statutes 1980, Section 325F.46.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 52 and nays 3, as follows:

Those who voted in the affirmative were:

Ashbach	Frank	Lantry	Pillsbury	Stumpf
Bang	Frederick	Lessard	Purfeerst	Taylor
Belanger	Frederickson	Lindgren	Ramstad	Tennessen
Benson	Hughes	Luther	Renneke	Ulland
Bernhagen	Humphrey	Moe, D.M.	Rued	Vega
Brataas	Johnson	Nelson	Setzepfandt	Waldorf
Chmielewski	Keefe	Olhoft	Sieloff	Wegener
Davies	Knoll	Pehler	Sikorski	Willet
Dicklich	Knutson	Peterson, D.L.	Solon	
Dieterich	Kroening	Peterson, R.W.	Spear	
Engler	Kronebusch	Petty	Stokowski	

Ms. Berglin, Messrs. Penny and Stern voted in the negative.

So the bill passed and its title was agreed to.

RECONSIDERATION

Mr. Chmielewski moved that the vote whereby S. F. No. 74 was passed by the Senate on February 23, 1981, be now reconsidered. The motion prevailed.

So the vote was reconsidered.

The question recurred on the final passage of S. F. No. 74.

The roll was called, and there were yeas 54 and nays 2, as follows:

Those who voted in the affirmative were:

Ashbach	Frank	Lantry	Peterson, R.W.	Stern
Bang	Frederick	Lessard	Petty	Stokowski
Belanger	Frederickson	Lindgren	Pillsbury	Stumpf
Benson	Hughes	Luther	Ramstad	Taylor
Berglin	Humphrey	Menning	Renneke	Tennessen
Bernhagen	Johnson	Moe, D.M.	Rued	Ulland
Chmielewski	Keefe	Nelson	Setzepfandt	Vega
Davies	Knoll	Nichols	Sieloff	Waldorf
Dicklich	Knutson	Olhoft	Sikorski	Wegener
Dieterich	Kroening	Pehler	Solon	Willet
Engler	Kronebusch	Peterson, D.L.	Spear	

Mrs. Brataas and Mr. Penny voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 153: A bill for an act relating to local government; granting towns certain powers over town cemeteries; regulating town cemeteries; amending Minnesota Statutes 1980, Sections 365.26; and 365.27.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Frank	Lessard	Pillsbury	Stumpf
Bang	Frederick	Lindgren	Purfeerst	Taylor
Belanger	Frederickson	Luther	Ramstad	Tennessen
Benson	Hughes	Menning	Renneke	Ulland
Berglin	Humphrey	Moe, D.M.	Rued	Vega
Bernhagen	Johnson	Nelson	Setzepfandt	Waldorf
Brataas	Keefe	Olhoft	Sieloff	Wegener
Chmielewski	Knoll	Pehler	Sikorski	Willet
Davies	Knutson	Penny	Solon	
Dicklich	Kroening	Peterson, D.L.	Spear	
Dieterich	Kronebusch	Peterson, R.W.	Stern	
Engler	Lantry	Petty	Stokowski	

So the bill passed and its title was agreed to.

S. F. No. 200: A bill for an act relating to agriculture; prohibiting the sale of certain female cattle; amending Minnesota Statutes 1980, Section 35.245, Subdivision 3.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 55 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Chmielewski	Frederickson	Knutson	Luther
Bang	Davies	Hughes	Kroening	Menning
Belanger	Dicklich	Humphrey	Kronebusch	Moe, D.M.
Benson	Engler	Johnson	Lantry	Nelson
Bernhagen	Frank	Keefe	Lessard	Nichols
Brataas	Frederick	Knoll	Lindgren	Olhoft

Pehler	Pillsbury	Setzepfandt	Stern	Ulland
Penny	Purfeerst	Sieloff	Stokowski	Vega
Peterson, D.L.	Ramstad	Sikorski	Stumpf	Waldorf
Peterson, R.W.	Renneke	Solon	Taylor	Wegener
Petty	Rued	Spear	Tennessen	Willet

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Knoll in the chair.

After some time spent therein, the committee arose, and Mr. Knoll reported that the committee had considered the following:

S. F. No. 143, which the committee recommends to pass.

S. F. No. 145, which the committee recommends to pass with the following amendment offered by Mr. Wegener:

Page 2, line 1, reinstate the stricken language

Page 2, line 2, delete "*regular*" and reinstate the stricken language

Page 2, line 2, after "requested" insert ", *or by regular mail,*"

Page 2, line 4, reinstate the stricken language and delete the new language

Page 2, line 5, delete the new language

Amend the title as follows:

Page 1, line 3, after "by" insert "certified or"

The motion prevailed. So the amendment was adopted.

S. F. No. 121, which the committee recommends to pass with the following amendment offered by Mr. Merriam:

Page 1, line 17, delete "*adequately*" and insert "*clearly*"

Page 1, line 19, delete "*majority*" and insert "*unanimous*"

Page 2, line 18, delete "*adequately*" and insert "*clearly*"

Page 2, line 18, after "*intent*" insert "*and effect*"

Page 2, line 19, delete "*majority*" and insert "*unanimous*"

Page 2, line 25, delete "*adequately*" and insert "*clearly*"

Page 2, line 26, after "*intent*" insert "*and effect*"

The motion prevailed. So the amendment was adopted.

S. F. No. 144, which the committee recommends to pass with the following amendments offered by Mr. Davies:

Page 1, line 14, strike "upon the life" and insert "*payable at the death*"

Page 1, line 15, strike "deceased"

The motion prevailed. So the amendment was adopted.

Mr. Davies then moved to amend S. F. No. 144 as follows:

Page 1, line 16, after the period, insert "*The $20,000 exemption provided by this subdivision shall be increased by $5,000 for each dependent of the surviv-*

ing spouse or child.''

The motion prevailed. So the amendment was adopted.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Olhoft, Nichols, Chmielewski, Wegener and Mrs. Brataas introduced—

S.F. No. 426: A bill for an act relating to workers' compensation; providing clarification of the method of payment to eligible recipients; creating a time limit for payment following issuance of official order; amending Minnesota Statutes 1980, Section 176.221, by adding a subdivision.

Referred to the Committee on Employment.

Messrs. Olhoft, Nichols, Chmielewski, Wegener and Mrs. Brataas introduced—

S.F. No. 427: A bill for an act relating to workers' compensation; providing for change in the method of notice to employees relative to payment of benefits; amending Minnesota Statutes 1980, Section 176.241, Subdivisions 1 and 3.

Referred to the Committee on Employment.

Mmes. Kronebusch, Stokowski, Messrs. Ramstad, Stumpf and Frederickson introduced—

S.F. No. 428: A bill for an act relating to retirement; providing post retirement annuity or benefit increases for certain retired or disabled public employees; appropriating funds; amending Laws 1979, Chapter 293, Section 10, Subdivision 3.

Referred to the Committee on Public Employees and Pensions.

Messrs. Solon and Ulland introduced—

S.F. No. 429: A bill for an act relating to public safety; regulating boilers, other apparatus and their operators; providing penalties; amending Minnesota Statutes 1980, Sections 183.375, Subdivision 2; 183.38; 183.39, Subdivision 1; 183.41, Subdivision 2; 183.411, Subdivision 2; 183.42; 183.44; 183.45; 183.46; 183.465; 183.48; 183.50; 183.51; 183.52; 183.53; 183.54; 183.545; 183.56; 183.57; 183.59; 183.60; 183.61; 183.62; and proposing new law coded in Minnesota Statutes, Chapter 183; repealing Minnesota Statutes 1980, Section 183.39, Subdivision 2.

Referred to the Committee on Governmental Operations.

Messrs. Pehler, Johnson, Ulland, Nichols and Chmielewski introduced—

S.F. No. 430: A bill for an act relating to taxation; clarifying which parties are to be served with notices of appeal; changing requirements for filing certain

abstracts and statements of exemption; changing certain fees to be charged by county auditors and treasurers; changing method of computing native prairie and wetland credits and attached machinery aids; clarifying assessment of property of cooperative associations; eliminating a special levy; providing certain dates for delivery and return of tax lists; providing interest rates on delinquent taxes; repealing publisher's bonds; changing certain definitions for the property tax refund; providing additional authority for county boards to reduce values; providing county valuation of certain airport property; amending Minnesota Statutes 1980, Sections 270.11, Subdivision 2; 271.10, Subdivision 2; 272.025, Subdivision 3; 272.46; 272.47; 273.115, Subdivision 1; 273.116, Subdivision 1; 273.138, Subdivision 2; 273.40; 275.50, Subdivision 5; 276.01; 277.15; 279.02; 279.03; 279.14; 290A.03, Subdivision 13; 375.192, Subdivision 2; 473.626; repealing Minnesota Statutes 1980, Section 279.11.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Rued, Menning, Setzepfandt and Frederickson introduced—

S.F. No. 431: A bill for an act relating to drivers licenses; providing for the identification of blood types on drivers licenses at the applicants option; amending Minnesota Statutes 1980, Sections 171.06, Subdivision 3; and 171.07, Subdivision 1.

Referred to the Committee on General Legislation and Administrative Rules.

Ms. Berglin, Messrs. Johnson, Bernhagen, Dieterich and Chmielewski introduced—

S.F. No. 432: A bill for an act relating to taxation; providing dates for settlement of mortgage registry and deed tax receipts; providing for payment of excise tax on special fuel by bulk purchasers; clarifying responsibilities and authority of commissioner of revenue in administering and auditing mineral taxes; providing for filing requirements for royalty reports; amending Minnesota Statutes 1980, Sections 287.12; 287.29, Subdivision 1; 296.12, by adding a subdivision; 298.09, by adding a subdivision; 298.15; 299.03; 299.05; and 299.12; and repealing Minnesota Statutes 1980, Section 287.29, Subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Kroening, Chmielewski, Knoll, Dicklich and Vega introduced—

S.F. No. 433: A bill for an act relating to workers' compensation; limiting the expense allowance permissible in workers' compensation insurance rate increase proposals; amending Minnesota Statutes 1980, Section 79.071, by adding a subdivision.

Referred to the Committee on Employment.

Messrs. Solon and Knutson introduced—

S.F. No. 434: A bill for an act relating to public welfare; establishing a formula for payments to vendors of dental services in the medical assistance program; prioritizing dental services to be offered if appropriations to the

program are inadequate; proposing new law coded in Minnesota Statutes, Chapter 256B.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Chmielewski, Dicklich and Kroening introduced—

S.F. No. 435: A bill for an act relating to workers' compensation; requiring and providing for additional state workers' compensation attorneys; appropriating money.

Referred to the Committee on Employment.

Messrs. Chmielewski and Lessard introduced—

S.F. No. 436: A bill for an act relating to children; providing for review of foster care status of certain children; amending Minnesota Statutes 1980, Sections 257.071, Subdivisions 2, 3 and 4; 260.015, Subdivision 7; 260.111, Subdivision 2; and 260.131, by adding a subdivision; proposing new law to be coded in Minnesota Statutes, Chapter 260.

Referred to the Committee on Judiciary.

Mr. Chmielewski introduced—

S.F. No. 437: A bill for an act relating to Carlton county; abolishing the office of court commissioner.

Referred to the Committee on Judiciary.

Messrs. Lessard, Langseth, Davis, Sieloff and Merriam introduced—

S.F. No. 438: A bill for an act proposing an amendment to the Minnesota Constitution, Article XIII, Section 3; allowing the status of the University of Minnesota to be provided by law.

Referred to the Committee on Education.

Messrs. Chmielewski and Nichols introduced—

S.F. No. 439: A bill for an act relating to the department of public safety; changing the name of the highway patrol to the state patrol; amending Minnesota Statutes 1980, Section 299D.01, Subdivision 1.

Referred to the Committee on General Legislation and Administrative Rules.

Mr. Lessard introduced—

S.F. No. 440: A bill for an act establishing the North Koochiching county waste water treatment board; prescribing its duties and powers; providing for the treatment and disposal of waste water in described areas.

Referred to the Committee on Agriculture and Natural Resources.

Ms. Berglin, Messrs. Penny, Hughes and Knoll introduced—

S.F. No. 441: A bill for an act relating to public welfare; providing for actions against parents for contributions on behalf of certain children; providing for withholding from income for the enforcement of a court order for child support and maintenance of a parent of a dependent child; amending Minnesota

Statutes 1980, Sections 256.87, Subdivision 1; 256.872; and 256.873.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Sikorski, Belanger, Pehler, Nichols and Mrs. Brataas introduced—

S.F. No. 442: A bill for an act relating to employment; exempting search firms from employment agency licensing; amending Minnesota Statutes 1980, Section 184.22, Subdivision 2.

Referred to the Committee on Commerce.

Messrs. Tennessen, Stern, Luther, Keefe and Davies introduced—

S.F. No. 443: A bill for an act relating to commerce; regulating franchises; providing a penalty; amending Minnesota Statutes 1980, Sections 80C.01, Subdivisions 4, 13, and by adding subdivisions; 80C.03; 80C.09, by adding a subdivision; 80C.14; 80C.17, Subdivision 3, and by adding a subdivision; 80C.18, Subdivision 2; and 80C.19, Subdivision 1.

Referred to the Committee on Commerce.

Messrs. Chmielewski, Lessard, Johnson, Dicklich and Solon introduced—

S.F. No. 444: A bill for an act relating to state lands; granting authority for the extension of certain timber permits.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Tennessen, Stern and Davies introduced—

S.F. No. 445: A bill for an act relating to courts; Hennepin and Ramsey County district courts, juvenile divisions; authorizing appointment of district court judges to hear cases arising under the juvenile court act for terms up to six years; amending Minnesota Statutes 1980, Section 260.019, Subdivision 3.

Referred to the Committee on Judiciary.

Messrs. Ashbach and Knoll introduced—

S.F. No. 446: A bill for an act relating to the legislature; changing the membership and manner of appointment of certain committees and commissions with legislative members; amending Minnesota Statutes 1980, Sections 3.30, Subdivision 2; 15.50, Subdivision 1; 16.872, Subdivision 3; and 121.938, Subdivision 1.

Referred to the Committee on Governmental Operations.

Mr. Moe, D.M. introduced—

S.F. No. 447: A bill for an act relating to retirement; providing for an increase in the amount of employer contributions to the teachers retirement association and to the teachers retirement fund associations in cities of the first class; amending Minnesota Statutes 1980, Sections 354.42, Subdivision 5; and 354A.12, Subdivision 2.

Referred to the Committee on Public Employees and Pensions.

Messrs. Moe, D.M.; Dicklich and Kroening introduced—

S.F. No. 448: A bill for an act relating to workers' compensation; requiring payment of attorneys' fees by employer where claim is upheld; increasing temporary partial benefits; requiring payment of spousal travel expenses in certain cases; increasing interest rates and expanding liability in cases of disputes between insurers; amending Minnesota Statutes 1980, Sections 176.081, Subdivision 7; 176.101, Subdivision 2; 176.133; 176.135, Subdivision 1; and 176.191.

Referred to the Committee on Employment.

Messrs. Penny, Ashbach, Setzepfandt, Wegener and Bernhagen introduced—

S.F. No. 449: A bill for an act relating to the pollution control agency; voiding certain rules of the agency unless they are repromulgated by a specific date; requiring the agency to enforce federal regulations under some circumstances; proposing new law coded in Minnesota Statutes, Chapter 116.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Lindgren introduced—

S.F. No. 450: A bill for an act relating to public welfare; providing for verification of applications for general assistance; allowing vendor payments during verification; allowing the commissioner of public welfare to promulgate more restrictive eligibility standards under certain circumstances; amending Minnesota Statutes 1980, Sections 256D.07; 256D.08; 256D.09, Subdivision 1; and 256D.11, Subdivision 6.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Lindgren introduced—

S.F. No. 451: A bill for an act relating to public welfare; requiring certain facilities to safeguard the well-being and safety of persons in their care; providing for penalties; proposing new law coded in Minnesota Statutes, Chapter 245.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Spear, Humphrey, Dahl and Nichols introduced—

S.F. No. 452: A bill for an act relating to the state board of investment; establishing standards for the selection of certain prudent investments; amending Minnesota Statutes 1980, Section 11A.09.

Referred to the Committee on Public Employees and Pensions.

Messrs. Setzepfandt and Renneke introduced—

S.F. No. 453: A bill for an act relating to waters; removing the right of the commissioner of natural resources to appeal the decision of a hearings unit in certain cases; amending Minnesota Statutes 1980, Section 105.391, Subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Ms. Berglin; Messrs. Peterson, R.W.; Davies; Dahl and Petty introduced—

S.F. No. 454: A bill for an act relating to crimes; redefining criminal sexual conduct; amending Minnesota Statutes 1980, Sections 609.342; 609.343; and 609.345.

Referred to the Committee on Judiciary.

Messrs. Purfeerst, Frederick, Langseth, Setzepfandt and Bernhagen introduced—

S.F. No. 455: A bill for an act relating to highway traffic regulations; providing for the designation and undesignation of routes to carry certain gross weights; amending Minnesota Statutes 1980, Section 169.832, Subdivision 11; repealing Minnesota Statutes 1980, Section 169.832, Subdivision 12.

Referred to the Committee on Transportation.

Messrs. Solon and Ulland introduced—

S.F. No. 456: A bill for an act relating to education; providing an appropriation to pay for capital expenses required by certain desegregation orders.

Referred to the Committee on Education.

Messrs. Spear; Dieterich; Moe, D.M.; Olhoft and Waldorf introduced—

S.F. No. 457: A resolution memorializing the Congress and the President of the United States to cease all military and economic aid to El Salvador.

Referred to the Committee on Rules and Administration.

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

S.F. No. 458: A bill for an act relating to the city of Moorhead; permitting a city levy for the arts and humanities.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Bang and Petty introduced—

S.F. No. 459: A bill for an act relating to the city of Edina; providing for the purchasing and contracting authority of the city manager and council.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Spear, Bang, Tennessen and Stern introduced—

S.F. No. 460: A bill for an act relating to intoxicating liquor; authorizing the use of wine catalogs by off-sale dealers; amending Minnesota Statutes 1980, Section 340.15, Subdivision 1.

Referred to the Committee on Commerce.

Messrs. Spear, Bang, Tennessen and Stern introduced—

S.F. No. 461: A bill for an act relating to intoxicating liquor; authorizing off-sale licensees to dispense samples of wine, liqueurs and cordials; amending Minnesota Statutes 1980, Section 340.11, Subdivision 15.

Referred to the Committee on Commerce.

Messrs. Ulland and Solon introduced—

S.F. No. 462: A bill for an act relating to labor; providing for increases in fees for certain steamfitters; amending Minnesota Statutes 1980, Section 326.50.

Referred to the Committee on Governmental Operations.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Sikorski moved that the Senate do now adjourn until 11:00 a.m., Thursday, February 26, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

EIGHTEENTH DAY

St. Paul, Minnesota, Thursday, February 26, 1981

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

Prayer was offered by the Chaplain, Rev. Paul Schuessler.

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

Ashbach	Engler	Lantry	Peterson, D.L.	Stern
Bang	Frank	Lessard	Peterson, R.W.	Stokowski
Belanger	Frederick	Lindgren	Petty	Stumpf
Benson	Frederickson	Luther	Pillsbury	Taylor
Berg	Hanson	Menning	Purfeerst	Tennessen
Berglin	Hughes	Merriam	Ramstad	Ulland
Bernhagen	Humphrey	Moe, D.M.	Renneke	Vega
Bertram	Johnson	Moe, R.D.	Rued	Waldorf
Brataas	Keefe	Nelson	Schmitz	Wegener
Chmielewski	Knoll	Nichols	Setzepfandt	Willet
Davies	Knutson	Olhoft	Sieloff	
Davis	Kroening	Pehler	Sikorski	
Dicklich	Kronebusch	Penny	Solon	
Dieterich	Langseth	Peterson, C.C.	Spear	

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

Mr. Dahl was excused from the Session of today.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 230 and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 230: A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state bonds; appropriating money.

House File No. 230 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 23, 1981

Mr. Willet moved that H. F. No. 230 and the Conference Committee Report

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. 44, 45 and 121.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 23, 1981

FIRST READING OF HOUSE BILLS

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

H. F. No. 44: A bill for an act relating to health; repealing a certain administrative rule of the department of health unconditionally prohibiting double beds in nursing homes and boarding care homes; exempting out of state physicians from licensing regulations under certain conditions; amending Minnesota Statutes 1980, Section 147.09.

Referred to the Committee on Health, Welfare and Corrections.

H. F. No. 45: A bill for an act relating to health; repealing a certain administrative rule of the department of health unconditionally prohibiting the use of locks on patient room doors in nursing homes.

Referred to the Committee on Health, Welfare and Corrections.

H. F. No. 121: A bill for an act relating to intoxicating liquor; authorizing the sale and dispensing of liquor at the I.R.A. arena in Grand Rapids.

Referred to the Committee on Commerce.

REPORTS OF COMMITTEES

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

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 10: A bill for an act relating to intoxicating liquor; proof required to purchase, possess or consume; amending Minnesota Statutes 1980, Section 340.039.

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

Page 1, lines 15 to 17, delete the new language

Page 1, line 17, after the period insert "*In the case of a foreign national, a valid passport may be used as an alternative to the foregoing methods of identification.*"

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

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 22: A bill for an act relating to insurance; authorizing the com-

missioner of public safety to issue a limited license to persons whose license has been revoked for failure to provide security required by the no-fault automobile insurance act; amending Minnesota Statutes 1980, Section 65B.67, by adding a subdivision.

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

Page 1, line 12, before "*The*" insert "*If the driver's livelihood, education, or attendance at a chemical dependency program or counselling program depends upon the use of the driver's license,*"

Page 1, after line 23, insert:

"Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Amend the title as follows:

Page 1, line 4, delete "license has" and insert "licenses have"

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

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 30: A bill for an act relating to public utilities; redefining the term "public utility" so as to exempt from public service commission jurisdiction certain small natural gas utilities; amending Minnesota Statutes 1980, Section 216B.02, Subdivision 4.

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

Page 1, line 22, after "natural" insert ", *manufactured or mixed*"

Page 1, line 24, delete "*person or corporation*" and insert "*public utility*"

Page 1, line 25, after "*supplying natural*" insert ", *manufactured or mixed*"

Page 2, line 2, after the period, insert "*The city council may rescind the resolution requesting exemption at any time, and, upon the filing of the rescinding resolution with the commission, the provisions of this chapter shall apply to the public utility.*"

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

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 66: A bill for an act relating to commerce; expanding the definition of a "sale of goods" as it applies to consumer credit sales to include certain terminable bailments or leases; clarifying the interests of the respective parties; providing for a certain contract provision; amending Minnesota Statutes 1980, Sections 325G.15, Subdivision 5; and 325G.16, by adding subdivisions.

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

Page 2, line 17, after "*obligations*" insert "*in the form of a terminable bailment or lease of goods*"

Amend the title as follows:

Page 1, line 2, delete "expanding" and insert "clarifying"

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

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 131: A bill for an act relating to mobile home parks; eliminating certain mobile home park reports made to the secretary of state; repealing Minnesota Statutes 1980, Section 327.29.

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

Mr. Olhoft from the Committee on General Legislation and Administrative Rules, to which was referred

S. F. No. 209: A bill for an act relating to gambling devices; clarifying definitions of gambling devices; authorizing certain payments for operation of gambling devices; changing prize limitations; amending Minnesota Statutes 1980, Section 349.26, Subdivisions 4, 5, 12, 13 and 15.

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

Mr. Olhoft from the Committee on General Legislation and Administrative Rules, to which was referred

S. F. No. 219: A bill for an act relating to state historic sites; adding the Wayzata Depot to the registry of state historic sites; amending Minnesota Statutes 1980, Section 138.56, by adding a subdivision.

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

Mr. Olhoft from the Committee on General Legislation and Administrative Rules, to which was referred

S. F. No. 339: A bill for an act relating to historic sites; designating an additional historic site; amending Minnesota Statutes 1980, Section 138.58, by adding a subdivision.

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

Mr. Stumpf from the Committee on Elections and Reapportionment, to which was referred

S. F. No. 216: A bill for an act relating to elections; allowing a candidate to transport parents of the candidate or the candidate's spouse to or from the polls; amending Minnesota Statutes 1980, Section 210A.13, Subdivision 3.

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

Page 1, line 11, strike "his" and insert "*a candidate's*"

Page 1, line 11, delete "*his*" and insert "*a candidate's*"

Page 1, line 12, delete "*his*" and insert "*a candidate's*"

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

Mr. Stumpf from the Committee on Elections and Reapportionment, to

which was referred

S. F. No. 42: A bill for an act relating to elections; permitting certain challenges to voters; providing procedures for election contests; clarifying sanctions for campaign practices violations; amending Minnesota Statutes 1980, Sections 204A.32, Subdivision 4; 209.02, Subdivisions 3, 4, and 4a; 209.06, Subdivision 2; 209.09; 209.10, Subdivision 1; and 210A.39; proposing new law coded in Minnesota Statutes, Chapter 209.

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

Page 2, line 5, delete "*ten*" and reinstate the stricken "seven"

Page 2, line 8, strike "limited to" and insert "*filed within*"

Page 3, line 5, after "make" insert "*timely*"

Page 3, line 8, after "that" insert "*within the period for filing the notice of contest*"

Page 3, line 12, delete "*within*" and insert "*no later than the first day following*"

Page 3, lines 24 and 25, strike "of the supreme court"

Page 4, line 10, strike "for"

Page 6, line 18, delete "*a*"

Pages 6 and 7, delete section 9

Amend the title as follows:

Page 1, delete line 4

Page 1, line 5, delete "violations;"

Page 1, line 7, after "209.09;" insert "and"

Page 1, line 8, delete "and 210A.39;"

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

Mr. Stumpf from the Committee on Elections and Reapportionment, to which was referred

S. F. No. 99: A bill for an act relating to elections; changing certain procedures and requirements relating to elections; amending Minnesota Statutes 1980, Sections 201.061, Subdivisions 1 and 3; 202A.22, Subdivision 1; 203A.13; 203A.31, Subdivision 3; 203A.32, Subdivision 3; 203A.33, Subdivision 4; 204A.14; 204A.29; 204A.34, Subdivision 2; 204A.44, Subdivision 1; 204A.45, Subdivision 1; 204A.47, Subdivision 1; 204A.49, Subdivision 1; 206.03; 206.20, Subdivision 2; 207.08, Subdivision 2; 208.03; 208.05; and 210A.39; repealing Minnesota Statutes 1980, Section 201.18.

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

Pages 3 and 4, delete section 4

Page 8, lines 21 through 23, reinstate the stricken language

Page 8, line 23, before the period insert ", *as provided in section 206.20*"

Pages 13 and 14, delete section 20

Page 14, line 6, delete "*Section*" and insert "*Sections*"

Page 14, line 6, delete ", *is*" and insert "*and 210A.39, are*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "202A.22, Subdivision 1;"

Page 1, line 10, before "208.05" insert "and"

Page 1, line 11, delete "and 210A.39;"

Page 1, line 12, delete "Section" and insert "Sections"

Page 1, line 12, before the period insert "; and 210A.39"

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

Mr. Tennessen from the Committee on Commerce, to which was referred the following appointment as reported in the Journal for February 19, 1981:

PUBLIC UTILITIES COMMISSION

Leo G. Adams

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. Olhoft from the Committee on General Legislation and Administrative Rules, to which were referred the following appointments as reported in the Journal for February 16, 1981:

CRIME CONTROL PLANNING BOARD

Elwood Bissett

Helen I. Kelly

John D. Wunsch

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

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

Mr. Olhoft from the Committee on General Legislation and Administrative Rules, to which was referred the following appointment as reported in the Journal for January 19, 1981:

CRIME CONTROL PLANNING BOARD

Charlton Dietz

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. Solon from the Committee on Health, Welfare and Corrections, to which was referred the following appointment as reported in the Journal for January 26, 1981:

STATE HEALTH COORDINATING COUNCIL CHAIRMAN

George Pettersen

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. Solon from the Committee on Health, Welfare and Corrections, to which was referred the following appointment as reported in the Journal for January 22, 1981:

GILLETTE HOSPITAL BOARD

Judge Sidney P. Abramson

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

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

SECOND READING OF SENATE BILLS

S. F. Nos. 10, 22, 30, 66, 131, 209, 219, 339, 216, 42 and 99 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Davies moved that the name of Mr. Spear be added as co-author to S. F. No. 10. The motion prevailed.

Mr. Ramstad moved that his name be stricken as co-author to S. F. No. 302. The motion prevailed.

Mr. Luther moved that the name of Mr. Frank be added as co-author to S. F. No. 364. The motion prevailed.

Mr. Johnson moved that his name be stricken as co-author to S. F. No. 364. The motion prevailed.

Mr. Rued moved that the name of Mr. Frank be added as co-author to S. F. No. 431. The motion prevailed.

Mr. Solon moved that the name of Mr. Vega be added as co-author to S. F. No. 434. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Vega be added as co-author to S. F. No. 435. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Vega be added as co-author to S. F. No. 439. The motion prevailed.

Mr. Moe, D.M. moved that the name of Mr. Vega be added as co-author to

S. F. No. 448. The motion prevailed.

Mr. Keefe moved that S. F. No. 158 be withdrawn from the Committee on Judiciary and returned to its author. The motion prevailed.

Mr. Dieterich moved that his name be stricken as chief author and that the name of Mr. Dicklich be shown as chief author to S. F. No. 391. The motion prevailed.

Messrs. Moe, R.D. and Ashbach introduced—

Senate Resolution No. 20: A Senate resolution relating to mileage and per diem living expenses.

BE IT RESOLVED, by the Senate:

Each member who has moved from his usual place of lodging during a substantial part of the sessions of the 72nd Legislature shall receive mileage for necessary travel in going to and returning from the place of meeting to his place of residence in the amount of 19 cents per mile, or any greater amount authorized by the commissioner of employee relations for state employees, for each trip during the 72nd Legislature.

Each member who has moved from his usual place of lodging during a substantial part of the sessions of the 72nd Legislature shall be paid per diem living expenses in the amount of $36 for each calendar day during the sessions of the 72nd Legislature.

Each member of the Senate who has not changed his place of lodging for a substantial part of the sessions of the 72nd Legislature shall be paid per diem living expenses in the amount of $23 for each calendar day during the sessions of the 72nd Legislature.

Each member of the Senate shall certify in writing to the Secretary of the Senate prior to the issuance of the first of the warrants for each of the sessions of the 72nd Legislature whether or not he has moved from his usual place of lodging. Each member shall also certify in writing for the actual travel for which he seeks reimbursement.

The Secretary of the Senate shall prepare and issue warrants from the Senate legislative expense fund in payment of mileage and living expenses to each member of the Senate.

Mr. Moe, R.D. moved the adoption of the foregoing resolution.

The question was taken on the adoption of the resolution.

The roll was called, and there were yeas 43 and nays 23, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Kroening	Peterson, R.W.	Stern
Bang	Frederick	Lessard	Pillsbury	Stumpf
Berglin	Hanson	Luther	Purfeerst	Tennessen
Bernhagen	Hughes	Menning	Renneke	Ulland
Brataas	Humphrey	Merriam	Setzepfandt	Vega
Chmielewski	Johnson	Moe, D.M.	Sieloff	Wegener
Davies	Keefe	Moe, R.D.	Sikorski	Willet
Dicklich	Knoll	Nelson	Solon	
Dieterich	Knutson	Peterson, C.C.	Spear	

Those who voted in the negative were:

Belanger	Frank	Lindgren	Peterson, D.L.	Stokowski
Benson	Frederickson	Nichols	Petty	Taylor
Berg	Kronebusch	Olhoft	Ramstad	Waldorf
Bertram	Langseth	Pehler	Rued	
Davis	Lantry	Penny	Schmitz	

The motion prevailed. So the resolution was adopted.

Mr. Willet moved that H. F. No. 230 and the Conference Committee Report be taken from the table. The motion prevailed.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 230

A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state bonds; appropriating money.

February 23, 1981

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

The Honorable Jack Davies
President of the Senate

We, the undersigned conferees for H. F. No. 230, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H.F. No. 230 be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [PUBLIC LAND AND BUILDINGS; APPROPRIATIONS.] The sums set forth in the column designated "APPROPRIATIONS" are appropriated from the state building fund, or any other fund designated, to the state agencies indicated, to be expended for the acquisition and betterment of public land and buildings and other public improvements of a capital nature, as more specifically described in the following sections of this act.

SUMMARY

ADMINISTRATION	$13,443,000
NATURAL RESOURCES	533,000
MILITARY AFFAIRS	922,200
EDUCATION	4,939,000
STATE UNIVERSITIES	597,000
UNIVERSITY OF MINNESOTA	5,650,000
CORRECTIONS	4,742,200
PUBLIC WELFARE	10,888,000
ECONOMIC SECURITY	250,000
MINNESOTA HISTORICAL SOCIETY	975,000
BOND SALE EXPENSES	30,000
TOTAL	$42,969,400
Building Fund	42,969,400

	APPROPRIATIONS	
Sec. 2. [ADMINISTRATION.]		
To the commissioner of administration for the purposes specified in this section		$13,443,000
Subdivision 1. Handicapped access to state buildings	$ 4,265,000	
This appropriation shall not be expended for physical remodeling wherever accessibility for the handicapped may be provided by program changes including rescheduling, relocation of classes, or other methods.		
The commissioner of administration shall present a proposed work program to the chairmen of the house appropriations and senate finance committees and the council for the handicapped for review and comment prior to encumbering money for accessibility remodeling.		
Subd. 2. Energy conservation	5,000,000	
This appropriation is only for energy projects that have an estimated payback in energy savings in five years or less.		
The commissioner of administration shall present a proposed work program to the chairmen of the house appropriations and senate finance committees for review and comment prior to encumbering money for energy conservation.		
None of this appropriation shall be used for painting walls.		
Subd. 3. State building contingent account	450,000	
This appropriation may be spent for plans, studies and surveys, and for alterations, betterments, construction, reconstruction, improvements, or rehabilitation of any state owned building or structure, if it appears to the commissioner that the expenditure is necessary in the public interest in order to avoid injury or damage to persons or property and money has not been otherwise appropriated for these purposes. The commissioner, however, shall not authorize any expenditures from the account until he has first consulted with the chairman of the house appropriations committee and the chairman of the senate finance committee and has received their recommendations thereon. The recommendations are advisory only. Failure or refusal to make a recommendation promptly is deemed a negative recommendation.		
Subd. 4. Prepare preliminary plans for conversion of Mechanic Arts High School to state use	42,000	

APPROPRIATIONS

The commissioner of administration in consultation with members of the legislature shall present a plan to the chairman of the house appropriations committee and chairman of the senate finance committee by January 15, 1982 for the utilization of remodeled space in the capitol complex. The plan shall include an analysis of the desirability of the occupation of some part of the capitol complex by administrative offices of departments currently located outside of the capitol complex.

Subd. 5. Repair capitol roof 1,392,000

Subd. 6. Replace break switches 80,000

Subd. 7. Remodel Supreme Court Clerk's office 53,000

Subd. 8. Life safety improvements in Capitol Square building 2,161,000

Sec. 3. [NATURAL RESOURCES.]

To the commissioner of natural resources for the improvement of the Badoura forest nursery ... 533,000

Sec. 4. [MILITARY AFFAIRS.]

To the adjutant general for the purposes more specifically described in the following subdivisions of this section 922,200

Subdivision 1. Energy conservation projects at armories 236,000

Subd. 2. Purchase of Lake McCarron's Elementary School for National Guard 686,200

This appropriation is sufficient to pay 90 percent of the $762,400 purchase price previously asked by Independent School District No. 623. The ten percent local match for this project shall be contributed by the school district in the form of a purchase price reduced to $686,200.

Sec. 5. [EDUCATION.]

To the commissioner of administration, except as otherwise provided, for the purposes more specifically described in the following subdivisions of this section 4,939,000

Subdivision 1. Minnesota School for the Deaf and Minnesota Braille and Sight Saving School - General remodeling and repairs 150,000

Subd. 2. Minnesota Braille and Sight Saving School - Building for blind and multi-handicapped students 4,605,000

This appropriation includes funds for construc-

	APPROPRIATIONS	
tion, building demolition, vocational building code compliance, utilities, site work, and fees on the campus of the Minnesota Braille and Sight Saving School.		
Subd. 3. To the state board of education for post-secondary vocational-technical construction in the school districts for handicapped access	184,000	
This appropriation is for remodeling to improve access for physically handicapped persons at area vocational technical institutes.		
Sec. 6. [STATE UNIVERSITIES.]		
To the commissioner of administration for systemwide replacement of windows		597,000
Sec. 7. [UNIVERSITY OF MINNESOTA.]		
To the regents of the university of Minnesota for the purposes more specifically described in the following subdivisions of this section		5,650,000
Subdivision 1. Minneapolis Campus		
Continuation of heating plant conversion	510,000	
$3,559,000 remaining from appropriations paid to the regents of the university of Minnesota pursuant to Laws 1978, Chapter 792, Section 11, Subdivision 2, Clauses (f) and (h) shall be used for this purpose or returned to the state treasury for credit to the state bond fund.		
Subd. 2. St. Paul Campus		
Planning funds for replacement of heating plant boiler	200,000	
Subd. 3. Crookston Campus (a) Improve heating plant 2,500,000 (b) Rehabilitate primary electric system 180,000	2,680,000	
Subd. 4. Waseca Campus		
Rehabilitate primary electric system and utilities	260,000	
Subd. 5. System-wide (a) Upgrade facilities to accommodate physically handicapped 1,000,000 (b) Remodel facilities to conserve energy 1,000,000	2,000,000	
The appropriation in (b) above is to be spent on projects as shown on official conference committee work papers.		
Sec. 8. [CORRECTIONS.]		

	APPROPRIATIONS	
To the commissioner of administration for the purposes more specifically described in the following subdivisions of this section		4,742,200
Subdivision 1. Minnesota Correctional Facility - Red Wing		
Repair Knox cottage	42,000	
Subd. 2. Willow River Camp		
Construct building for truck body shop	63,000	
Subd. 3. Minnesota Correctional Facility - Sauk Centre	66,200	
(a) Replace underground water lines . . . 31,000		
(b) Replace boiler . . . 25,000		
(c) Sinclair Lewis Hall repairs . . . 10,200		
Subd. 4. Minnesota Correctional Facility - Stillwater	3,860,000	
(a) Health and safety measures . . . 1,000,000		
(b) Power plant improvements . . . 2,523,000		
(c) Masonry renovation . . . 337,000		
Subd. 5. Minnesota Correctional Facility - St. Cloud	711,000	
(a) New windows in cell house B . . . 73,000		
(b) New windows in industries building . . . 74,000		
(c) Replace cell house screens . . . 52,000		
(d) Refinish interior walls of cell houses . . . 195,000		
(e) Reroof E house . . . 117,000		
(f) Dayroom for B house . . . 150,000		
(g) Masonry renovation . . . 50,000		
Sec. 9. [PUBLIC WELFARE.]		
To the commissioner of administration for the purposes more specifically described in the following subdivisions of this section		10,888,000
Subdivision 1. Ah-Gwah-Ching State Nursing Home	1,085,000	
(a) Fire safety . . . 512,000		
(b) Remodel residences . . . 167,000		
(c) New water tower . . . 196,000		
(d) Ash handling system . . . 210,000		
Subd. 2. Oak Terrace State Nursing Home roof repair 11 and 17	71,000	
Subd. 3. Anoka State Hospital Emergency generator	199,000	
Subd. 4. Brainerd State Hospital	1,499,000	
(a) Roof repair . . . 299,000		
(b) Remodel resident building . . . 1,200,000		
Subd. 5. Cambridge State Hospital	934,000	

APPROPRIATIONS

(a) Roof repair 361,000
(b) Life safety code remodeling 350,000
(c) Elevators in cottages 8 and 11 223,000

Subd. 6. Faribault State Hospital 3,141,000

(a) Remodel cottages and medical hospital 2,024,000
(b) Roof repair 514,000

(c) Renovate laundry 353,000
(d) Emergency lighting 250,000

Subd. 7. Fergus Falls State Hospital 558,000
(a) Fire and life safety remodeling 250,000
(b) Roof repair 308,000

Subd. 8. Moose Lake State Hospital 897,000
(a) Roof repair 132,000
(b) Remodel buildings 765,000

Subd. 9. Rochester State Hospital 175,000
(a) Remodel building 8 77,000
(b) Roofs 98,000

Subd. 10. St. Peter State Hospital 1,825,000
(a) Complete construction of the security hospital 862,000
(b) Roof repair 245,000
(c) Life safety code remodeling 500,000
(d) Emergency generator 218,000

Subd. 11. Willmar State Hospital 504,000
(a) Licensure code remodeling 265,000
(b) Remodel bathing facilities 154,000
(c) Roof repair 80,000
(d) Repair deep well 5,000

Subd. 12. In order to expedite the projects at state hospitals and nursing homes provided for in this section, the commissioner of administration may retain the designing architects and engineers currently working on similar projects at these hospitals and need not follow the procedure for selection of architects and engineers set forth in Minnesota Statutes, Chapter 16.

Subd. 13. The commissioner of administration may transfer unencumbered balances in any of the subdivisions in this section to other subdivisions in this section. The transfers may be completed after notifying the chairmen of the senate finance committee and house appropriations committee of the purpose, reason, and amount of the transfer.

Sec. 10. [ECONOMIC SECURITY.]

To the commissioner of administration to renovate St. Paul area office 250,000

	APPROPRIATIONS	
Sec. 11. [MINNESOTA HISTORICAL SOCIETY.]		
To the Minnesota historical society for the purposes specified in this section		975,000
Subdivision 1. Preservation of research center and installation of sprinkler system	150,000	
Subd. 2. Plan and design Itasca Interpretive center	139,000	
Federal Great River Road funds may be used to supplement this appropriation.		
Subd. 3. Restore Lac Qui Parle Mission	88,000	
The Minnesota historical society shall consult with the research committees of the Chippewa County and Lac Qui Parle County historical societies with regard to the history of the area and the restoration of the site.		
Subd. 4. Interior and exterior renovation at Hill house	568,000	
Federal Great River Road funds may be used to supplement this appropriation.		
Subd. 5. Handicapped access - Historical building	30,000	
Sec. 12. [BOND SALE EXPENSES.]		
To the commissioner of finance for bond sale expenses pursuant to Minnesota Statutes, Section 16A.64, Subdivision 4.		30,000

Sec. 13. [BOND SALE; DEBT SERVICE.]

To provide the money appropriated in this act from the state building fund the commissioner of finance upon request of the governor shall sell and issue bonds of the state in an amount up to $42,970,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, Sections 16A.63 to 16A.67 and by the Constitution, Article XI, Sections 4 to 7.

Sec. 14. [CONSULTATION REQUIRED.]

No land shall be purchased and no buildings shall be purchased, constructed, or erected on lands of the university of Minnesota until the regents have first consulted with the chairman of the senate finance committee and the chairman of the house appropriations committee and obtained their recommendations, which are advisory only.

Sec. 15. [REVIEW OF PLANS.]

The commissioner of administration and the board of regents of the university of Minnesota shall not prepare final plans and specifications for any construction or major remodeling authorized by this act until the using agency or department has presented the program and schematic plans to the chairman of the house appropriations committee and the chairman of the senate finance

committee and the chairmen have made their recommendations thereon. The recommendations are advisory only. Failure or refusal to make a recommendation promptly is deemed a negative recommendation.

Sec. 16. [APPROPRIATIONS FOR CONSTRUCTION; TRANSFER.]

Upon the awarding of final contracts for the completion of any project for construction or other permanent improvement authorized by this act, the commissioner of administration and the board of regents of the university of Minnesota as to appropriations made to them may transfer any unencumbered balance in the project account to any other project enumerated in the same section of the appropriation act as the project about to be completed. The money transferred pursuant to this section is appropriated for the purposes for which transferred. The commissioner of administration and the board of regents of the university of Minnesota shall report to the chairman of the house appropriations committee and the chairman of the senate finance committee on any transfer made pursuant to this section.

Sec. 17. [APPROPRIATIONS FOR CONSTRUCTION; FEDERAL MONEY; EXCEEDING AUTHORIZED COST.]

The commissioner of administration and the board of regents of the university of Minnesota shall apply for the maximum federal share for each capital improvement project for which money is appropriated by this act. Encumbrance or expenditure of money in excess of the project authorization shall be made only after the commissioner of administration and the board of regents, as appropriate, have consulted with the chairman of the house appropriations committee and the chairman of the senate finance committee and the chairmen have made their recommendations thereon. The recommendations are advisory only. Failure or refusal to make a recommendation promptly is deemed a negative recommendation.

Sec. 18. [METHODS OF ACQUISITION.]

Where money has been appropriated by this act to the commissioner of administration to acquire lands or sites for public buildings or real estate, acquisition may be by gift, purchase, or condemnation proceedings. Condemnation proceedings shall be pursuant to chapter 117.

Sec. 19. [CANCELLATION.]

For each appropriation made in this act, each project shall have completed the designer selection board process within 60 days, and shall be obligated by award of contract within 26 weeks. Those projects not meeting each of these requirements shall be abandoned and the appropriation shall immediately lapse and be cancelled to the state bond fund. If an extenuating condition arises, the governor may authorize the continuation of a project beyond the deadline only after consulting with the chairmen of the house appropriation and senate finance committees for their recommendation. The deadlines established shall be determined from the date of final enactment.

Sec. 20. [EFFECTIVE DATE.]

This act is effective the day following final enactment. ''

We request adoption of this report and repassage of the bill.

House Conferees: (Signed) Michael R. Sieben, Phyllis L. Kahn, Bruce G. Nelsen

Senate Conferees: (Signed) Gerald L. Willet, Tom A. Nelson, Robert O. Ashbach

Mr. Willet moved that the foregoing recommendations and Conference Committee Report on H. F. No. 230 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 230 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Lantry	Peterson, D.L.	Stern
Bang	Frank	Lessard	Peterson, R.W.	Stokowski
Belanger	Frederick	Lindgren	Petty	Stumpf
Benson	Frederickson	Luther	Pillsbury	Taylor
Berg	Hanson	Menning	Purfeerst	Tennessen
Berglin	Hughes	Merriam	Ramstad	Ulland
Bernhagen	Humphrey	Moe, D.M.	Renneke	Vega
Bertram	Johnson	Moe, R.D.	Rued	Waldorf
Brataas	Keefe	Nelson	Schmitz	Wegener
Chmielewski	Knoll	Nichols	Setzepfandt	Willet
Davies	Knutson	Olhoft	Sieloff	
Davis	Kroening	Pehler	Sikorski	
Dicklich	Kronebusch	Penny	Solon	
Dieterich	Langseth	Peterson, C.C.	Spear	

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

MOTIONS AND RESOLUTIONS - CONTINUED

CONFIRMATION

Mr. Tennessen moved that the appointments of notaries public received February 19, 1981, be taken from the table. The motion prevailed.

Mr. Tennessen moved to confirm the appointments of the notaries public. The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Mr. Chmielewski moved that the report from the Committee on Employment, reported February 2, 1981, pertaining to appointments, be taken from the table. The motion prevailed.

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

Mr. Chmielewski moved that in accordance with the report from the Committee on Employment, reported February 2, 1981, the Senate, having given its advice, do now consent to and confirm the appointment of:

DEPARTMENT OF ECONOMIC DEVELOPMENT COMMISSIONER

Kent E. Eklund, 1520 Grantham, St. Paul, Ramsey County, effective May 19, 1980, for a term expiring the first Monday in January, 1983.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Mr. Olhoft moved that the report from the Committee on General Legislation and Administrative Rules, reported February 16, 1981, pertaining to appointments, be taken from the table. The motion prevailed.

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

Mr. Olhoft moved that in accordance with the report from the Committee on General Legislation and Administrative Rules, reported February 16, 1981, the Senate, having given its advice, do now consent to and confirm the appointments of:

STATE ZOOLOGICAL BOARD

Herbert R. Goldenberg, 4925 W. Coventry Road, Minnetonka, Hennepin County, effective March 11, 1980, for a term expiring the first Monday in January, 1984.

Harveydale Maruska, 198 South 5th Street, Warren, Marshall County, effective March 11, 1980, for a term expiring the first Monday in January, 1984.

Hazel H. Reinhardt, 5116 Abercrombie Drive, Edina, Hennepin County, effective March 11, 1980, for a term expiring the first Monday in January, 1984.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Mr. Chmielewski moved that the report from the Committee on Employment, reported February 19, 1981, pertaining to appointments, be taken from the table. The motion prevailed.

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

Mr. Chmielewski moved that in accordance with the report from the Committee on Employment, reported February 19, 1981, the Senate, having given its advice, do now consent to and confirm the appointment of:

WORKERS' COMPENSATION COURT OF APPEALS

Raymond O. Adel, 2801 Nash Road, Brooklyn Center, Hennepin County, effective July 1, 1980, for a term expiring July 1, 1986.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Mr. Stumpf moved that the report from the Committee on Elections and Reapportionment, reported February 19, 1981, pertaining to appointments, be

taken from the table. The motion prevailed.

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

Mr. Stumpf moved that in accordance with the report from the Committee on Elections and Reapportionment, reported February 19, 1981, the Senate, having given its advice, do now consent to and confirm the appointments of:

STATE ETHICAL PRACTICES BOARD

Judith G. Schotzko, R.R. #1, Blue Earth, Faribault County, effective September 4, 1980, for a term expiring the first Monday in January, 1983.

Bruce W. Okney, 5128 Thomas Avenue South, Minneapolis, Hennepin County, effective September 15, 1980, for a term expiring the first Monday in January, 1983.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Mr. Humphrey moved that the report from the Committee on Energy and Housing, reported February 23, 1981, pertaining to appointments, be taken from the table. The motion prevailed.

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

Mr. Humphrey moved that in accordance with the report from the Committee on Energy and Housing, reported February 23, 1981, the Senate, having given its advice, do now consent to and confirm the appointment of:

MINNESOTA ENERGY AGENCY DIRECTOR

Mark E. Mason, Lowry Square Apartments, #901, 4th and Wabasha, St. Paul, Ramsey County, effective March 31, 1980, for a term expiring the first Monday in January, 1983.

The motion prevailed. So the appointment was confirmed.

CALENDAR

S. F. No. 121: A bill for an act relating to statutory cities and urban towns; permitting publication of summaries of ordinances prior to enactment; amending Minnesota Statutes 1980, Sections 368.01, Subdivision 21; and 412.191, Subdivision 4.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 3, as follows:

Those who voted in the affirmative were:

Ashbach	Berglin	Davis	Frederick	Johnson
Bang	Bernhagen	Dicklich	Frederickson	Keefe
Belanger	Bertram	Dieterich	Hanson	Knoll
Benson	Brataas	Engler	Hughes	Kroening
Berg	Davies	Frank	Humphrey	Kronebusch

Langseth	Moe, R.D.	Petty	Sikorski	Ulland
Lantry	Nichols	Pillsbury	Solon	Vega
Lessard	Olhoft	Purfeerst	Spear	Waldorf
Lindgren	Pehler	Ramstad	Stern	Wegener
Luther	Penny	Renneke	Stokowski	Willet
Menning	Peterson, C.C.	Rued	Stumpf	
Merriam	Peterson, D.L.	Schmitz	Taylor	
Moe, D.M.	Peterson, R.W.	Setzepfandt	Tennessen	

Messrs. Chmielewski, Knutson and Sieloff voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 145: A bill for an act relating to crimes; authorizing notices of dishonored checks to be made by certified or regular mail and an affidavit of service by mailing; amending Minnesota Statutes 1980, Section 609.535, Subdivision 3.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 3, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kroening	Peterson, R.W.	Stern
Bang	Engler	Kronebusch	Petty	Stokowski
Belanger	Frank	Langseth	Pillsbury	Stumpf
Benson	Frederick	Lindgren	Purfeerst	Taylor
Berg	Frederickson	Luther	Ramstad	Tennessen
Berglin	Hanson	Menning	Renneke	Ulland
Bernhagen	Hughes	Moe, R.D.	Rued	Vega
Bertram	Humphrey	Olhoft	Schmitz	Waldorf
Brataas	Johnson	Pehler	Setzepfandt	Wegener
Chmielewski	Keefe	Penny	Sieloff	Willet
Davies	Knoll	Peterson, C.C.	Sikorski	
Davis	Knutson	Peterson, D.L.	Spear	

Messrs. Dieterich, Merriam and Moe, D.M. voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 143: A bill for an act relating to marriage; changing the liability of spouses for certain debts; amending Minnesota Statutes 1980, Section 519.05.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Langseth	Peterson, C.C.	Solon
Bang	Engler	Lantry	Peterson, D.L.	Spear
Belanger	Frank	Lessard	Peterson, R.W.	Stern
Benson	Frederick	Lindgren	Petty	Stokowski
Berg	Frederickson	Luther	Pillsbury	Stumpf
Berglin	Hanson	Menning	Purfeerst	Taylor
Bernhagen	Hughes	Merriam	Ramstad	Tennessen
Bertram	Johnson	Moe, D.M.	Renneke	Ulland
Brataas	Keefe	Moe, R.D.	Rued	Vega
Chmielewski	Knoll	Nichols	Schmitz	Waldorf
Davies	Knutson	Olhoft	Setzepfandt	Wegener
Davis	Kroening	Pehler	Sieloff	Willet
Dicklich	Kronebusch	Penny	Sikorski	

So the bill passed and its title was agreed to.

S. F. No. 144: A bill for an act relating to creditors' remedies; property exempt from attachment, garnishment or sale on any final process issued from any court; providing for an increase in the amount of the life insurance exemption and extending the class of those eligible to benefit; amending Minnesota Statutes 1980, Section 550.37, Subdivision 10.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 2, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Langseth	Peterson, C.C.	Solon
Bang	Engler	Lantry	Peterson, D.L.	Spear
Belanger	Frank	Lessard	Peterson, R.W.	Stern
Benson	Frederickson	Lindgren	Petty	Stokowski
Berg	Hanson	Luther	Pillsbury	Stumpf
Berglin	Hughes	Menning	Purfeerst	Taylor
Bernhagen	Humphrey	Moe, D.M.	Ramstad	Tennessen
Bertram	Johnson	Moe, R.D.	Renneke	Ulland
Brataas	Keefe	Nelson	Rued	Vega
Chmielewski	Knoll	Nichols	Schmitz	Waldorf
Davies	Knutson	Olhoft	Setzepfandt	Wegener
Davis	Kroening	Pehler	Sieloff	Willet
Dicklich	Kronebusch	Penny	Sikorski	

Messrs. Frederick and Merriam voted in the negative.

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Moe, D.M. in the chair.

After some time spent therein, the committee arose, and Mr. Moe, D.M. reported that the committee had considered the following:

S. F. Nos. 18, 14, 149, 159 and 175 which the committee recommends to pass.

S. F. No. 247, which the committee recommends to pass with the following amendment offered by Mr. Lindgren:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1980, Section 473.608, Subdivision 20, is amended to read:

Subd. 20. Subject to the final enactment of the Airport and Airways Development Act Amendments of 1975 the corporation shall install aircraft noise suppressing equipment at the ground run-up operation sites of the Minneapolis-St. Paul International Airport. All ~~such~~ aircraft noise suppressing equipment shall conform to specifications approved by the pollution control agency. The pollution control agency shall determine the deadline for design selection and installation of the aircraft noise suppressing equipment; provided the deadline for design selection shall be no later than ~~December 31, 1980~~ *March 1, 1983*.

Sec. 2. Minnesota Statutes 1980, Section 473.608, is amended by adding a subdivision to read:

Subd. 20a. The commission shall submit to the legislature a noise abatement

plan for the Minneapolis-St. Paul International Airport by December 31, 1981, containing annual objectives until December 31, 1987, for reduction of aircraft noise within the metropolitan area. The plan shall contain definite proposals for specific annual reductions in the maximum hourly noise levels, such as defined by Minnesota pollution control agency rules, 6 MCAR 4.2001 (15) and (16), based on the typically worst noise condition on an hourly basis received in populated residential areas. By December 31, 1982, and each year thereafter until December 31, 1987, the commission shall submit to the legislature a report detailing the reduction of aircraft noise in meeting the annual objectives outlined in the above noise abatement plan."

Page 1, line 24, delete "*Section 1 applies*" and insert " *Sections 1 to 3 apply*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after "commission" insert "; requiring the installation of certain equipment; mandating a noise abatement plan"

Page 1, line 5, delete "Section" and insert "Sections 473.608, Subdivision 20, and by adding a subdivision; and"

The motion prevailed. So the amendment was adopted.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Petty, Bang, Stern, Solon and Benson introduced—

S.F. No. 463: A bill for an act relating to credit unions; permitting a change of titles of officers; amending Minnesota Statutes 1980, Section 52.09, by adding a subdivision.

Referred to the Committee on Commerce.

Messrs. Dahl, Frank and Davies introduced—

S.F. No. 464: A bill for an act relating to commerce; providing for a lien on all personal property stored at certain storage facilities; defining terms; establishing a procedure for the enforcement of the liens; proposing new law coded in Minnesota Statutes, Chapter 514.

Referred to the Committee on Judiciary.

Mr. Penny introduced—

S.F. No. 465: A bill for an act relating to public waters; changing the coverage of the inventory of public waters and wetlands; amending Minnesota Statutes 1980, Section 105.37, Subdivision 14.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Merriam; Penny; Peterson, D.L.; Hughes and Humphrey introduced—

S.F. No. 466: A bill for an act relating to education; creating a program for arts education in the elementary and secondary schools; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 3.

Referred to the Committee on Education.

Mr. Moe, D.M.; Ms. Berglin; Mmes. Lantry and Stokowski introduced—

S.F. No. 467: A bill for an act relating to retirement; requiring public pension funds to provide information concerning optional annuity forms with the retirement application form; requiring the signature of the spouse of a member on the retirement application form in certain instances; proposing new law coded in Minnesota Statutes, Chapter 356.

Referred to the Committee on Public Employees and Pensions.

Messrs. Schmitz, Menning, Chmielewski, Purfeerst and Frederick introduced—

S.F. No. 468: A bill for an act relating to taxation; providing that the proceeds of the motor vehicle excise tax shall be deposited in the highway user tax distribution fund for highway purposes; amending Minnesota Statutes 1980, Sections 168.27, Subdivision 16; 297B.035, Subdivision 2; and 297B.09.

Referred to the Committee on Transportation.

Messrs. Tennessen; Keefe; Peterson, R.W.; Ramstad and Merriam introduced—

S.F. No. 469: A bill for an act relating to the collection and dissemination of data; classifying data; clarifying definitions; proposing new definitions and classifications of data; amending Minnesota Statutes 1980, Sections 15.162, Subdivisions 3, 4, and 5a; 15.165, by adding a subdivision; 390.11, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 15.

Referred to the Committee on Judiciary.

Messrs. Tennessen; Keefe; Peterson, R.W.; Ramstad and Merriam introduced—

S.F. No. 470: A bill for an act relating to the collection and dissemination of data; classifying data; proposing classifications of data as private, confidential nonpublic and protected nonpublic; amending Minnesota Statutes 1980, Sections 15.1693, by adding a subdivision; 15.1695, Subdivision 1, and by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 15.

Referred to the Committee on Judiciary.

Messrs. Merriam, Sikorski, Knutson, Hanson and Tennessen introduced—

S.F. No. 471: A bill for an act relating to juveniles; creating a classification of "persons in need of supervision" for children; providing procedures and dispositions in the juvenile court for children classified as persons in need of supervision; amending Minnesota Statutes 1980, Sections 260.015, Subdivi-

sion 5, and by adding a subdivision; 260.131, by adding a subdivision; 260.145; 260.155, Subdivision 5; 260.165, Subdivision 1; 260.173, Subdivision 3, and by adding subdivisions; 260.185, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 260.

Referred to the Committee on Judiciary.

Messrs. Setzepfandt, Johnson and Hughes introduced—

S.F. No. 472: A bill for an act relating to education; providing for special elections for school district pairing agreements; amending Minnesota Statutes 1980, Section 122.541.

Referred to the Committee on Education.

Messrs. Bang, Spear, Belanger, Petty and Lindgren introduced—

S.F. No. 473: A bill for an act relating to intoxicating liquor; validating liquor licenses in certain expanded facilities; amending Minnesota Statutes 1980, Section 340.11, by adding a subdivision.

Referred to the Committee on Commerce.

Messrs. Hughes, Stern, Olhoft, Taylor and Peterson, R.W. introduced—

S.F. No. 474: A bill for an act relating to education; increasing the aid amount and percent of pupils who qualify for gifted and talented educational programs; amending Minnesota Statutes 1980, Section 124.247, Subdivision 3.

Referred to the Committee on Education.

Messrs. Tennessen, Lessard and Sikorski introduced—

S.F. No. 475: A bill for an act relating to courts; permitting all judicial districts except Hennepin county to set salaries of law clerks; clarifying employment status in every judicial district to be unclassified and without tenure; amending Minnesota Statutes 1980, Section 484.545, Subdivision 2, and by adding a subdivision.

Referred to the Committee on Judiciary.

Messrs. Ramstad, Merriam, Tennessen, Keefe and Ulland introduced—

S.F. No. 476: A bill for an act relating to crimes; providing the court with discretion to require a presentence investigation in the case of felony convictions; amending Minnesota Statutes 1980, Section 609.115, Subdivision 1.

Referred to the Committee on Judiciary.

Messrs. Tennessen, Petty, Stern and Benson introduced—

S.F. No. 477: A bill for an act relating to commerce; increasing the amount of the surety bond required of collection agencies; authorizing the commissioner of securities and real estate to investigate and examine certain collection agencies; broadening the classification of prohibited practices; amending Minnesota Statutes 1980, Sections 332.34; 332.37; and 332.40.

Referred to the Committee on Commerce.

Messrs. Bang, Petty, Johnson and Rued introduced—

S.F. No. 478: A bill for an act relating to taxation; real property; extending 3 classification to certain property used for recreational purposes; amending Minnesota Statutes 1980, Section 273.13, Subdivision 4.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Merriam, Keefe, Frank, Luther and Pehler introduced—

S.F. No. 479: A bill for an act relating to the environment; establishing a superfund to finance the clean up costs associated with certain hazardous substances; providing for liability, compensation, and emergency response for hazardous substances released into the environment or stored in disposal facilities; requiring the director of the pollution control agency to adopt rules to implement the superfund program; assessing fees to be paid by certain industries and facilities to establish the superfund; providing for penalties; proposing new law coded in Minnesota Statutes, Chapter 115A.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Pehler introduced—

S.F. No. 480: A bill for an act relating to crimes; authorizing counties to expend money for the purpose of investigating criminal activity relating to selling or receiving stolen property; proposing new law coded in Minnesota Statutes, Chapter 299C.

Referred to the Committee on Judiciary.

Mr. Ashbach introduced—

S.F. No. 481: A bill for an act relating to workers' compensation; permitting certain local units of government to join the reinsurance association; amending Minnesota Statutes 1980, Section 79.34, Subdivision 1.

Referred to the Committee on Employment.

Mr. Davies introduced—

S.F. No. 482: A bill for an act relating to real estate; prohibiting time shared estates in real property; proposing new law coded in Minnesota Statutes, Chapter 500.

Referred to the Committee on Judiciary.

Mr. Davies introduced—

S.F. No. 483: A bill for an act relating to medical malpractice; providing limited liability for health care providers who disclose medically induced injuries to their patients; proposing new law coded in Minnesota Statutes, Chapter 62F.

Referred to the Committee on Judiciary.

Mr. Davies introduced—

S.F. No. 484: A bill for an act proposing an amendment to the Minnesota Constitution, Article X, Section 6; removing restrictions upon the power to tax

the mining, production or beneficiation of copper, copper-nickel or nickel.

Referred to the Committee on Taxes and Tax Laws.

Mr. Davies introduced—

S.F. No. 485: A bill for an act proposing an amendment to the Minnesota Constitution; repealing Article X, Section 6; repealing the taconite amendment.

Referred to the Committee on Taxes and Tax Laws.

Mr. Davies introduced—

S.F. No. 486: A bill for an act relating to workers' compensation; limiting products liability in case of workplace injury; amending Minnesota Statutes 1980, Section 176.061, Subdivision 4.

Referred to the Committee on Employment.

Mr. Frank introduced—

S.F. No. 487: A bill for an act relating to health; regulating the use of ionizing radiation; directing the commissioner of health to set standards related to the use of x-ray equipment; setting a penalty; proposing new law coded in Minnesota Statutes, Chapter 144.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Davies; Peterson, R.W. and Ulland introduced—

S.F. No. 488: A bill for an act relating to legal notice; requiring notice of various matters of public interest to be published in the state register; amending Minnesota Statutes 1980, Sections 15.051, Subdivision 1; 15.054; 16A.67, Subdivision 4; 18.361, Subdivision 1; 18.371; 25.40, Subdivision 2; 43.13, Subdivision 2; 60A.08, Subdivision 7; 85A.03, Subdivision 4a; 92.14; 93.16; 123.33, by adding a subdivision; 144.13; 155.17; 167.50, Subdivision 2; 169.06, Subdivision 2; 182.655, Subdivision 2; 340.63, Subdivision 2; and 360.302, Subdivision 2.

Referred to the Committee on Judiciary.

Messrs. Davies, Bang and Peterson, R.W. introduced—

S.F. No. 489: A bill for an act relating to crimes; immunity from prosecution; changing the current transactional immunity to conform with federal use immunity; amending Minnesota Statutes 1980, Section 609.09, Subdivision 1.

Referred to the Committee on Judiciary.

Messrs. Davies; Peterson, R.W. and Bang introduced—

S.F. No. 490: A bill for an act relating to peace officers; requiring peace officers to wear name tags; providing penalties; amending Minnesota Statutes 1980, Section 626.88, by adding a subdivision.

Referred to the Committee on Judiciary.

Messrs. Davies, Bang and Peterson, R.W. introduced—

S.F. No. 491: A bill for an act relating to courts; providing for interest rates on judgments; amending Minnesota Statutes 1980, Section 549.09, Subdivision 1.

Referred to the Committee on Judiciary.

Messrs. Waldorf and Lindgren introduced—

S.F. No. 492: A bill for an act relating to optometrists; requiring advice to patients under certain conditions; proposing new law coded in Minnesota Statutes, Chapter 148.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Merriam, Lindgren, Hughes, Taylor and Stumpf introduced—

S.F. No. 493: A bill for an act relating to education; establishing an experimental mobile unit grant program; appropriating money.

Referred to the Committee on Education.

Messrs. Setzepfandt, Wegener, Rued, Bernhagen and Engler introduced—

S.F. No. 494: A bill for an act relating to agriculture; regulating livestock marketing; providing a penalty; amending Minnesota Statutes 1980, Sections 17A.02; 17A.03, Subdivision 7; 17A.14; proposing new law coded in Minnesota Statutes, Chapter 17A.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Wegener, Nichols, Setzepfandt, Bernhagen and Engler introduced—

S.F. No. 495: A bill for an act relating to agriculture; requiring department of agriculture approval and receipt of certain grain storage receipts; regulating the family farm security program; changing terms of members of the family farm advisory council; regulating denaturing of certain food; identifying fur pelts; updating references in the shade tree control law; amending Minnesota Statutes 1980, Sections 17.35, Subdivision 7; 18.023, Subdivision 3a; 31.095; 41.52, Subdivisions 5, 8 and 9; 41.54, Subdivision 2; 41.56, Subdivisions 1 and 2; 41.58, Subdivision 2; 232.06, Subdivision 1; 233.03; 234.02; 236.03; 275.50, Subdivision 6; and 290.08, Subdivision 24; repealing Minnesota Statutes 1980, Section 29.091.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Chmielewski introduced—

S.F. No. 496: A bill for an act relating to drivers licenses; requiring the suspension of licenses of certain uninsured persons; providing a penalty; proposing new law coded in Minnesota Statutes, Chapter 171.

Referred to the Committee on Commerce.

Messrs. Stumpf, Merriam, Knutson, Humphrey and Sikorski introduced—

S.F. No. 497: A bill for an act relating to animals; prohibiting the transfer of

certain animals for experimental purposes; amending Minnesota Statutes 1980, Section 35.71.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Solon introduced—

S.F. No. 498: A bill for an act relating to local government; providing that vacancies on charter commissions be filled by the governing bodies of cities; providing for reports to and removals by the governing bodies; amending Minnesota Statutes 1980, Section 410.05, Subdivision 2.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Dicklich introduced—

S.F. No. 499: A bill for an act relating to education; authorizing Independent School District No. 701 to transfer a certain amount of money from the debt service fund to the capital expenditure fund to partially pay for replacement of a steam line; providing for no reduction of the maintenance levy pursuant to this transfer.

Referred to the Committee on Education.

Messrs. Dicklich and Frank introduced—

S.F. No. 500: A bill for an act relating to unemployment compensation; regulating employer misconduct; providing penalties; amending Minnesota Statutes 1980, Section 268.18, Subdivision 3.

Referred to the Committee on Employment.

Messrs. Dicklich and Frank introduced—

S.F. No. 501: A bill for an act relating to labor; requiring prevailing wage payment on certain projects; amending Minnesota Statutes 1980, Section 471.345, Subdivision 7.

Referred to the Committee on Employment.

Mr. Solon introduced—

S.F. No. 502: A bill for an act relating to public welfare; modifying certain provisions regarding continued eligibility for medical assistance; amending Minnesota Statutes 1980, Section 256B.062.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Keefe, Spear and Lindgren introduced—

S.F. No. 503: A bill for an act relating to juveniles; requiring imposition of restitution sanctions for minors adjudicated delinquent for crimes against property; amending Minnesota Statutes 1980, Section 260.185, Subdivision 1.

Referred to the Committee on Judiciary.

Messrs. Luther, Petty, Sikorski and Ms. Berglin introduced—

S.F. No. 504: A bill for an act relating to crimes; specifying the crime of

theft of services; amending Minnesota Statutes 1980, Section 609.52, Subdivisions 1 and 2.

Referred to the Committee on Judiciary.

Messrs. Bertram; Davis; Peterson, D.L.; Langseth and Wegener introduced—

S.F. No. 505: A bill for an act relating to insurance; allowing a township mutual fire insurance company to insure property in cities of the second class; amending Minnesota Statutes 1980, Section 67A.14, Subdivision 5.

Referred to the Committee on Commerce.

Messrs. Humphrey, Willet, Sikorski, Wegener and Rued introduced—

S.F. No. 506: A bill for an act relating to health; establishing a model rural program for community-based treatment of adolescents with serious chemical abuse problems; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 254A.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Johnson introduced—

S.F. No. 507: A bill for an act relating to intoxicating liquor; authorizing the issuance of one off-sale license in the town of Tofte.

Referred to the Committee on Commerce.

Messrs. Johnson; Pehler; Peterson, R.W.; Setzepfandt and Petty introduced—

S.F. No. 508: A bill for an act relating to taxation; providing a reduction of certain property taxes; providing reimbursement to taxing districts for revenue lost as a result thereof; appropriating money; amending Minnesota Statutes 1980, Section 273.13, Subdivisions 9 and 15a.

Referred to the Committee on Taxes and Tax Laws.

Mr. Dicklich introduced—

S.F. No. 509: A bill for an act relating to corrections; clarifying the transfer of correctional inmates to medical facilities; providing for tuberculosis testing for correctional employees; clarifying unclaimed property of correctional inmates, and diversified labor accounts; changing terminology of correctional facilities; harmonizing furlough provisions; prescribing the time for counties to submit estimates for reimbursement for probation services; amending Minnesota Statutes 1980, Sections 241.07; 241.09; 241.14; 241.22; 242.20; 242.22; 242.43; 242.44; 242.45; 242.48; 243.05; 243.20; 243.211; 243.465; 243.57; 243.58; 243.64; 244.07, Subdivision 1; 260.311, Subdivision 5; repealing Minnesota Statutes 1980, Sections 241.01, Subdivision 8; 241.15; 242.23; 242.24; 242.375; 242.52; 242.53; 243.06; 243.22; 243.25; 243.26; and 243.78.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Merriam; Peterson, D.L. and Davies introduced—

S.F. No. 510: A bill for an act relating to arrest; providing for the extradition

and rendition of accused persons, escapees and other persons subject to orders in criminal proceedings; enacting the uniform extradition and rendition act; amending Minnesota Statutes 1980, Sections 480.059, Subdivision 7; 611.14; and 629.404, Subdivision 2; proposing new law coded as Minnesota Statutes, Chapter 629A; repealing Minnesota Statutes 1980, Sections 629.01 to 629.29.

Referred to the Committee on Judiciary.

Mr. Solon introduced—

S.F. No. 511: A bill for an act relating to corrections; providing for the transfer of convicted offenders under certain circumstances; proposing new law coded in Minnesota Statutes, Chapter 243.

Referred to the Committee on Judiciary.

Ms. Berglin; Messrs. Dahl; Peterson, R.W.; Luther and Dieterich introduced—

S.F. No. 512: A bill for an act relating to energy; providing tenant enforcement of certain conservation standards; proposing new law coded in Minnesota Statutes, Chapter 504.

Referred to the Committee on Judiciary.

Messrs. Penny, Frederick and Stern introduced—

S.F. No. 513: A bill for an act relating to interest; regulating rates of interest on loans for business and agricultural transactions and loans made by agricultural credit corporations; removing certain deficiencies and ambiguities; amending Minnesota Statutes 1980, Sections 334.011, Subdivision 1; and 334.061.

Referred to the Committee on Commerce.

Mr. Luther introduced—

S.F. No. 514: A bill for an act relating to courts; authorizing the supreme court to adopt a uniform fee schedule for civil actions; proposing new law coded in Minnesota Statutes, Chapter 480.

Referred to the Committee on Judiciary.

Mr. Penny introduced—

S.F. No. 515: A bill for an act relating to taxation; income; adopting federal treatment of unemployment compensation; amending Minnesota Statutes 1980, Section 290.01, Subdivision 20.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Merriam, Ramstad, Davies, Mrs. Lantry and Mr. Dahl introduced—

S.F. No. 516: A bill for an act relating to handicapped persons; prohibiting persons serving as foreign language interpreters or interpreters for persons with hearing or speaking impairments from disclosing communications made to them during the course of civil, criminal or administrative proceedings;

amending Minnesota Statutes 1980, Sections 546.44, by adding a subdivision; 595.02; 611.30; 611.31; and 611.33, by adding a subdivision.

Referred to the Committee on Judiciary.

Mr. Stern, Mrs. Brataas, Messrs. Bang, Setzepfandt and Solon introduced—

S.F. No. 517: A bill for an act relating to financial institutions; allowing new mortgage instruments; modifying rate restrictions on certain loans; providing a maximum late charge on certain loans; amending Minnesota Statutes 1980, Section 47.20, Subdivisions 1, 2, 4, 4a, 6 and 12.

Referred to the Committee on Commerce.

Messrs. Sikorski, Solon, Stern, Ashbach and Mrs. Brataas introduced—

S.F. No. 518: A bill for an act relating to cable communications; changing certain definitions and procedures relating to cable communications system franchises and operations; amending Minnesota Statutes 1980, Sections 238.02, Subdivision 3; 238.03; 238.06, Subdivision 6; 238.08, Subdivision 4; 238.09, Subdivisions 6 and 7; 238.11, Subdivision 2; and 238.12, Subdivisions 1 and 2; repealing Minnesota Statutes 1980, Section 238.05, Subdivisions 6 and 7.

Referred to the Committee on Commerce.

Ms. Berglin and Mr. Pehler introduced—

S.F. No. 519: A bill for an act relating to public welfare; establishing and empowering a board for the blind; transferring certain powers and duties of the commissioner of public welfare to the board; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 248; repealing Minnesota Statutes 1980, Sections 248.07; and 248.08.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Kroening, Stumpf, Johnson, Pillsbury and Renneke introduced—

S.F. No. 520: A bill for an act relating to elections; allowing cities and counties to elect to use data processing systems in lieu of duplicate registration cards; requiring the secretary of state to prescribe alternate forms for duplicate registration files; changing voter verification requirements for cities and counties which elect to use data processing systems; amending Minnesota Statutes 1980, Sections 201.071, Subdivision 4, and by adding subdivisions; 201.221, Subdivision 4; and 204A.29, by adding a subdivision.

Referred to the Committee on Elections and Reapportionment.

Messrs. Waldorf and Lindgren introduced—

S.F. No. 521: A bill for an act relating to public welfare; authorizing the commissioner of public welfare to designate the county of financial responsibility for patients transferred under the Interstate Compact on Mental Health who are not residents of Minnesota; amending Minnesota Statutes 1980, Section 245.52.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Nelson introduced—

S.F. No. 522: A bill for an act relating to peace officers; prescribing colors for uniforms; amending Minnesota Statutes 1980, Section 626.88.

Referred to the Committee on General Legislation and Administrative Rules.

Messrs. Waldorf, Stumpf and Moe, D.M. introduced—

S.F. No. 523: A bill for an act relating to the city of St. Paul; relating to a proposed joint housing finance program by the cities of St. Paul and Minneapolis.

Referred to the Committee on Energy and Housing.

Messrs. Ulland and Solon introduced—

S.F. No. 524: A bill for an act relating to taxation; exempting sales of currency or legal tender from the sales and use tax; amending Minnesota Statutes 1980, Section 297A.25, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Monday, March 2, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

NINETEENTH DAY

St. Paul, Minnesota, Monday, March 2, 1981

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

Prayer was offered by the Chaplain, Rev. Don E. Whipple.

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

Ashbach	Dicklich	Kroening	Olhoft	Sieloff
Bang	Dieterich	Kronebusch	Pehler	Sikorski
Belanger	Engler	Langseth	Penny	Solon
Benson	Frank	Lantry	Peterson, C.C.	Spear
Berg	Frederick	Lessard	Peterson, D.L.	Stokowski
Berglin	Frederickson	Lindgren	Peterson, R.W.	Stumpf
Bernhagen	Hanson	Luther	Petty	Taylor
Bertram	Hughes	Menning	Purfeerst	Tennessen
Brataas	Humphrey	Merriam	Ramstad	Ulland
Chmielewski	Johnson	Moe, D.M.	Renneke	Vega
Dahl	Keefe	Moe, R.D.	Rued	Waldorf
Davies	Knoll	Nelson	Schmitz	Wegener
Davis	Knutson	Nichols	Setzepfandt	Willet

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Pillsbury and Stern were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

February 27, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed, and deposited in the Office of the Secretary of State, S. F. No. 23.

Sincerely yours,

Albert H. Quie, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following

House Files, herewith transmitted: H. F. Nos. 14, 29, 71, 149 and 168.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 26, 1981

FIRST READING OF HOUSE BILLS

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

H. F. No. 14: A bill for an act relating to agriculture; requiring notice of real estate improvement liens to be given to certain farmers; amending Minnesota Statutes 1980, Section 514.011, Subdivision 4.

Referred to the Committee on Judiciary.

H. F. No. 29: A bill for an act relating to hospitals; requiring adoption of federal medicare standards for hospital licensing; regulating hospital inspections; providing for licensing of hospitals accredited by the joint commission on hospital accreditation; amending Minnesota Statutes 1980, Sections 144.50, Subdivision 1; and 144.55.

Referred to the Committee on Health, Welfare and Corrections.

H. F. No. 71: A bill for an act relating to elections; revising, reorganizing and recodifying major portions of the Minnesota election law; modernizing and improving language, organization and style; clarifying certain ambiguities; removing certain obsolete terms and provisions; restating guidelines for determining voter eligibility; providing for voter registration, absentee voting, the conduct of elections and the counting and canvassing of election returns; defining terms; providing penalties; making necessary technical amendments, corrections and other revisions; amending Minnesota Statutes 1980, Sections 10A.01, Subdivision 12; 40.05, Subdivision 3; 123.32, Subdivision 7; 200.01; 200.02; 201.01; 201.021; 201.061; 201.071; 201.081; 201.091; 201.11; 201.12; 201.121; 201.13; 201.14; 201.15; 201.161; 201.171; 201.18; 201.211; 201.221; 201.27; 201.275; 202A.11; 202A.16, Subdivision 1; 205.01; 205.03; 205.11, Subdivision 4a; 205.13, Subdivision 1; 205.14, Subdivision 4; 205.15; 205.17, Subdivision 2; 205.20, Subdivisions 2 and 5; 206.026, Subdivision 5; 206.07, Subdivision 1; 206.185, Subdivisions 1 and 5; 206.20, Subdivision 2; 206.21, Subdivisions 1 and 2; 208.04, Subdivisions 1 and 2; 210A.07; 210A.26, Subdivision 4; 210A.28; 210A.34, Subdivision 4; 290.06, Subdivision 11; 290.21, Subdivision 3; 365.51; 365.52; 375.20; 382.28; and 487.03, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapters 200, 201, 205, and 210A; proposing new law coded as Minnesota Statutes, Chapters 203B, 204B, 204C, and 204D; repealing Minnesota Statutes 1980, Sections 201.231; 201.26; 201.33; 202A.21 to 202A.721; and 210.22; and Chapters 203A, 204A, and 207.

Referred to the Committee on Elections and Reapportionment.

H. F. No. 149: A bill for an act relating to crimes; prescribing penalties for obstructing a peace officer from performing official duties; amending Minnesota Statutes 1980, Section 609.50.

Referred to the Committee on Judiciary.

H. F. No. 168: A bill for an act relating to motor vehicle carriers; providing procedures for granting permits to courier service carriers in certain cases; amending Minnesota Statutes 1980, Section 221.121, Subdivision 4.

Referred to the Committee on Commerce.

REPORTS OF COMMITTEES

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

Mr. Spear from the Committee on Public Employees and Pensions, to which was referred

S. F. No. 365: A bill for an act relating to state employees; authorizing the deduction from salaries or wages of sums of moneys designated by them for certain combined charitable funds; amending Minnesota Statutes 1980, Section 15.375.

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

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 15.375, Subdivision 2, is amended to read:

Subd. 2. [COMMISSIONER OF FINANCE; DUTIES.] The commissioner of finance, upon the written request of a state officer or employee, may deduct each payroll period from the salary or wages of the officer or employee the amount specified ~~therein~~ *in the written request* for payment to ~~the United Fund~~ *an approved combined charitable organization defined in section 2*, and issue his warrant ~~therefor~~ *in that amount* to ~~the United Fund~~ *that approved combined charitable organization*.

Sec. 2. [309.501] [APPROVED COMBINED CHARITABLE ORGANIZATIONS.]

Subdivision 1. [DEFINITIONS.] *As used in this section, the following terms have the meanings given them.*

"Approved combined charitable organization" means an organization (1) which is tax exempt under section 501(c)3 of the Internal Revenue Code of 1954, as amended through December 31, 1980 (hereinafter "Internal Revenue Code"), and to which contributions are deductible under section 170 of the Internal Revenue Code; (2) which secures funds for distribution to ten or more charitable agencies in a single, annual consolidated effort; (3) which is in compliance with the provisions of this chapter; and (4) which has been approved by the commissioner of securities and real estate in the department of commerce in accordance with this section.

"Charitable agency" means a governmental agency or an organization (1) which is tax exempt under section 501(c)3 of the Internal Revenue Code; (2) to which contributions are deductible under section 170 of the Internal Revenue Code; and (3) which is in compliance with the provisions of this chapter.

Subd. 2. [DESIGNATED CONTRIBUTIONS.] *An approved combined charitable organization may offer a state officer or employee the option of designating in writing that the amount deducted in section 1 be designated to any charitable agency, whether or not the charitable agency receives funds from the single, annual consolidated effort. An approved charitable organization which offers this option shall provide a list of charitable agencies receiving funds and the amount each charitable agency receives in the annual report*

required pursuant to section 309.53.

Subd. 3. [APPROVAL PROCESS.] *An organization may apply to the commissioner of securities and real estate in the department of commerce on forms provided by the commissioner as an approved combined charitable organization on January 1, 1982, or thereafter. An organization which applies to the commissioner shall provide the commissioner with all information the commissioner deems necessary to determine the charitable and tax exempt status of the organization and its compliance with the provisions of this chapter. The organization shall also provide the commissioner with a list of the charitable agencies that the organization secures funds for and all information the commissioner deems necessary to determine the charitable and tax exempt status of these agencies and their compliance with the provisions of this chapter. Notwithstanding section 309.53, subdivision 1a, each charitable agency shall file the report required in section 309.53. The commissioner shall approve or disapprove the application of an organization within 60 days. The decision of the commissioner shall be in writing and shall be based on the provisions of this section. No organization may apply to the commissioner more than once in a 12 month period. Approved combined charitable organizations shall file the report required in section 309.53. The commissioner shall notify the commissioner of finance in writing of his decision to grant approval to an organization under this section.*

Sec. 3. [REPEALER.]

Minnesota Statutes 1980, Section 15.375, Subdivision 1, is repealed.

Sec. 4. [EFFECTIVE DATE.]

The effective date of sections 1, 2, and 3 shall be January 1, 1982."

Amend the title as follows:

Page 1, line 5, before the period, insert ", Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 309; repealing Minnesota Statutes 1980, Section 15.375, Subdivision 1"

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

Mr. Spear from the Committee on Public Employees and Pensions, to which was referred

S. F. No. 338: A bill for an act relating to public employment; eliminating certain part time adult vocational education instructors from the definition of public employee; amending Minnesota Statutes 1980, Section 179.63, Subdivision 7.

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

Mr. Spear from the Committee on Public Employees and Pensions, to which was referred

S. F. No. 139: A bill for an act relating to state employees; including the staff of the council on Black Minnesotans within the unclassified civil service; amending Minnesota Statutes 1980, Section 3.9225, Subdivision 5.

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

Page 2, line 1, after "council" insert ", *and the council may appoint,*"

Page 2, line 1, strike "staffing" and insert "*staff*"

Page 2, line 5, strike "additional staff and"

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

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

S. F. No. 366: A bill for an act relating to taxation; providing a new schedule for payment of income taxes withheld from wages; giving temporary rulemaking authority; appropriating money; amending Minnesota Statutes 1980, Section 290.92, Subdivision 6.

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

Page 7, line 11, delete the underlining

Page 7, line 13, delete "*$.....*" and insert "*13.*"

Page 7, line 14, after "*1*" insert "*; provided that the increase in complement shall terminate after June 30, 1981*"

Page 7, line 17, after the dollar sign insert "*134,360*"

Page 7, delete lines 20 to 29

Page 7, line 31, delete "*Sections 3 and 5 are*"

Page 7, line 32, delete "*effective July 1, 1981.*" and delete "*4 and 6*" and insert "*3 and 4*"

Renumber the sections in sequence

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

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

S. F. No. 225: A bill for an act relating to labor; regulating certain charges to persons earning the minimum wage; amending Minnesota Statutes 1980, Section 177.24, by adding a subdivision.

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

Page 1, line 9, after "*4.*" insert "*Unreimbursed*"

Page 1, line 14, before the semicolon, insert ", *which clothing is not generally appropriate for use except in the course of that employment*"

Page 1, line 15, before the semicolon, insert ", *except tools of a trade*"

Page 1, line 16, after "*(c)*" insert "*except for persons covered under section 177.23, subdivision 7, clause (4),*"

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

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

S. F. No. 226: A bill for an act relating to civil actions; limitation of actions; requiring that certain actions relating to recovery of wages and other claims be brought within six years; amending Minnesota Statutes 1980, Sections 541.05, Subdivision 1; and 541.07.

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

Page 2, line 33, after "dentists," insert "*podiatrists,*"

Page 2, line 34, after "sanatoriums," insert "*and other licensed health care providers,*"

Page 2, line 37, after "dentist," insert "*podiatrist,*"

Page 2, line 37, after "hospital" strike "or" and insert a comma

Page 2, line 37, after "sanatorium," insert "*or other licensed health care provider,*"

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "requiring that certain actions relating to podiatrists and other licensed health care providers be brought within two years;"

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

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

S. F. No. 11: A bill for an act relating to liens; increasing the amount of an employee's lien for wages; amending Minnesota Statutes 1980, Section 514.59.

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

Mr. Olhoft from the Committee on General Legislation and Administrative Rules, to which was referred

S. F. No. 257: A bill for an act relating to administrative rules; clarifying certain powers and duties of the legislative commission to review administrative rules; amending Minnesota Statutes 1980, Section 3.965, Subdivision 3, and by adding a subdivision.

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

Page 1, lines 18 and 19, reinstate the stricken language

Page 1, line 22, delete everything after the period

Page 1, delete lines 23 to 26

Page 2, line 1, delete everything before "*The*"

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

Mr. Olhoft from the Committee on General Legislation and Administrative Rules, to which was referred

S. F. No. 258: A bill for an act relating to administrative rules; clarifying the

meaning of the term "rule"; amending Minnesota Statutes 1980, Sections 15.0411, Subdivision 3; and 15.0413, Subdivision 1.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 15.0413, Subdivision 1, is amended to read:

Subdivision 1. Every rule, *regardless of whether it might be known as a substantive, procedural, or interpretive rule, which is* approved by the attorney general and filed in the office of the secretary of state as provided in section 15.0412 shall have the force and effect of law five working days after its publication in the state register unless a later date is required by statute or specified in the rule. The secretary of state shall keep a permanent record of rules filed with that office open to public inspection.

Sec. 2. [TRANSITIONAL PROVISION.]

A procedural or interpretive rule in effect on the effective date of this act, which was adopted following a hearing which utilized the office of hearing examiners or the office of administrative hearings or adopted after compliance with the provisions of section 15.0412, subdivision 4h or 5, shall have the force and effect of law on the effective date of this act.

This section does not apply to any rule specifically held not to have the force and effect of law by the state supreme court before the effective date of this act.

Sec. 3. [EFFECTIVE DATE.]

This act is effective the day following its final enactment."

Delete the title and insert:

"A bill for an act relating to administrative rules; clarifying which rules have the force of law; amending Minnesota Statutes 1980, Section 15.0413, Subdivision 1."

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. 96: A bill for an act relating to state property; providing for the conveyance to Kandiyohi County of a residence building in Sibley state park.

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

Page 1, delete lines 8 to 14, and insert:

"*The commissioner of administration shall convey to Kandiyohi County, by an instrument approved by the attorney general, the single story, wood frame, three bedroom rambler style residence building and unattached garage located in Sibley State Park and acquired by the department of natural resources from Curtis Thompson about August 26, 1980. In consideration for the conveyance by the state, the county shall pay the sum of $4,000 to the state and shall clean up and bury the footings of the building, including provision of necessary fill, to the satisfaction of the commissioner of administration.*

Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

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. 208: A bill for an act relating to air pollution; allowing cities and towns to adopt ordinances to permit and regulate open burning of leaves; amending Minnesota Statutes 1980, Section 116.07, by adding a subdivision.

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

Page 1, delete lines 10 to 19 and insert:

"*Subd. 7a.* [OPEN BURNING OF LEAVES; LOCAL ORDINANCES.] *Notwithstanding any law or rule to the contrary, a home rule charter or statutory city or an urban township described by section 368.01, subdivision 1, if it is not located in an area designated as a primary or secondary non-attainment area for carbon monoxide or particulates under the federal clean air act (Public Law 88-206, as amended), may permit the open burning of dried leaves at appropriate sites established for that purpose within the boundaries of the town or city by adoption of an ordinance that:*

(a) Limits the period for leaf burning to not more than six weeks between September 1 and December 1; and

(b) Sets forth limits and conditions and establishes the leaf burning sites so as to minimize air pollution, fire danger, and any other hazard or nuisance conditions.

No open burning of leaves shall take place during an air pollution alert, warning or emergency or in any area where open fires are prohibited by order of the commissioner of natural resources pursuant to section 88.22, subdivision 1."

Amend the title as follows:

Page 1, line 2, after "and" insert "urban"

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

Mr. Spear from the Committee on Public Employees and Pensions, to which were referred the following appointments as reported in the Journal for January 19, 1981:

PUBLIC EMPLOYMENT RELATIONS BOARD

Thomas G. Arneson
Don L. Bye

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

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

SECOND READING OF SENATE BILLS

S. F. Nos. 365, 338, 139, 366, 225, 226, 11, 257, 258, 96 and 208 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Davies moved that the name of Mr. Merriam be added as co-author to S. F. No. 14. The motion prevailed.

Mrs. Lantry moved that the name of Mr. Pehler be added as co-author to S. F. No. 241. The motion prevailed.

Ms. Berglin moved that the name of Mr. Ulland be added as co-author to S. F. No. 388. The motion prevailed.

Mr. Spear moved that the name of Mr. Olhoft be stricken and Mr. Nichols be added as co-author to S. F. No. 457. The motion prevailed.

Mr. Moe, D.M. moved that the name of Mrs. Brataas be added as co-author to S. F. No. 467. The motion prevailed.

Mr. Dicklich moved that the name of Mr. Johnson be added as co-author to S. F. No. 500. The motion prevailed.

Mr. Dicklich moved that the name of Mr. Johnson be added as co-author to S. F. No. 501. The motion prevailed.

Mr. Keefe moved that the name of Mr. Merriam be added as co-author to S. F. No. 503. The motion prevailed.

Ms. Berglin moved that the name of Mr. Petty be added as co-author to S. F. No. 519. The motion prevailed.

Mr. Waldorf moved that the name of Mrs. Lantry be added as co-author to S. F. No. 523. The motion prevailed.

Mr. Bertram introduced—

Senate Resolution No. 21: A Senate resolution commending the people of rural Stearns County and northern Meeker County for efforts made to accommodate special needs of handicapped citizens in the district.

Referred to the Committee on Rules and Administration.

Mr. Bang introduced—

Senate Resolution No. 22: A Senate resolution congratulating Edina West High School on its High School Debate Tournament record and its invitation to the national debate tournament.

Referred to the Committee on Rules and Administration.

Mr. Moe, R.D. moved to amend the report of the Committee on Mileage found in the Journal for Thursday, January 29, 1981, as follows:

After "Langseth, Keith" strike "230" and insert "472"

The motion prevailed. So the report was amended.

CALENDAR

S. F. No. 171: A bill for an act relating to probate; changing certain provisions relating to descent of a cemetery lot; amending Minnesota Statutes 1980,

Section 525.14.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Davis	Knutson	Nelson	Schmitz
Bang	Dicklich	Kroening	Olhoft	Setzepfandt
Belanger	Dieterich	Kronebusch	Pehler	Sikorski
Benson	Engler	Langseth	Penny	Solon
Berg	Frank	Lantry	Peterson, C.C.	Spear
Berglin	Frederick	Lessard	Peterson, D.L.	Stokowski
Bernhagen	Frederickson	Lindgren	Peterson, R.W.	Taylor
Bertram	Hanson	Luther	Petty	Tennessen
Brataas	Hughes	Menning	Purfeerst	Ulland
Chmielewski	Humphrey	Merriam	Ramstad	Vega
Dahl	Johnson	Moe, D.M.	Renneke	Willet
Davies	Knoll	Moe, R.D.	Rued	

So the bill passed and its title was agreed to.

S. F. No. 18: A bill for an act relating to probate; eliminating requirement of notice to representatives of foreign countries in certain formal testacy proceedings; amending Minnesota Statutes 1980, Section 524.3-403.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Penny	Spear
Bang	Dieterich	Langseth	Peterson, C.C.	Stokowski
Belanger	Engler	Lantry	Peterson, D.L.	Stumpf
Benson	Frank	Lessard	Peterson, R.W.	Taylor
Berg	Frederick	Lindgren	Petty	Tennessen
Berglin	Frederickson	Luther	Purfeerst	Ulland
Bernhagen	Hanson	Menning	Ramstad	Vega
Bertram	Hughes	Merriam	Renneke	Wegener
Brataas	Humphrey	Moe, D.M.	Rued	Willet
Chmielewski	Johnson	Moe, R.D.	Schmitz	
Dahl	Knoll	Nelson	Setzepfandt	
Davies	Knutson	Olhoft	Sikorski	
Davis	Kroening	Pehler	Solon	

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Bang in the chair.

After some time spent therein, the committee arose, and Mr. Bang reported that the committee had considered the following:

S. F. No. 346, which the committee recommends to pass, subject to the following motions:

Mr. Humphrey moved to amend S.F. No. 346 as follows:

Page 1, line 16, after the comma, insert "*the rating association shall also*

provide data on Minnesota experience with respect to the information required in this section.''

Page 1, line 25, after ''rates'' insert ''*and shall apply the formulas and other methods of rate calculation presented at the rate hearing to the information received in evidence at the rate hearing*''

Page 1, line 27, delete the comma and strike ''and'' and insert '' . *After consideration of the information in accordance with this section, the commissioner shall adopt the lowest rate obtainable consistent with the standards established in section 79.071. The commissioner*''

Page 2, line 5, after ''*commissioner*'' insert ''*to apply the formulas and other methods of rate calculation to the information received in evidence at the rate hearing and*''

The motion prevailed. So the amendment was adopted.

Mr. Frederick moved to amend S.F. No. 346 as follows:

Page 2, after line 19, insert:

''Sec. 3. Minnesota Statutes 1980, Section 176.021, Subdivision 3, is amended to read:

Subd. 3. [COMPENSATION, COMMENCEMENT OF PAYMENT.] All employers shall commence payment of the compensation at the time and in the manner prescribed by this chapter without the necessity of any agreement or any order of the division. Except those of medical, burial, and other non-periodic benefits, payments shall be made as nearly as may be at the intervals when the wage was payable; provided, however, that payments for permanent partial disability ~~in cases in which return to work occurs prior to four weeks from the date of injury~~ shall be made by lump sum payment, and the provisions of section 176.165 shall not apply, without the necessity of any agreement, or order of the division, upon cessation of payments for temporary total disability ~~and upon the employee's return to work. In cases in which return to work does not occur prior to four weeks after injury, payments for permanent partial disability shall be made according to the following schedule: 25 percent of the amount due after four weeks from the date of injury, 25 percent after eight weeks, 25 percent after 12 weeks and 25 percent after 16 weeks, provided that any and all payments remaining shall be paid upon the cessation of payments for temporary total disability and upon the employee's return to work~~ *or as soon thereafter as such permanent partial disability can be ascertained, unless, upon good cause shown, it is otherwise ordered by the division.* If doubt exists at that time as to the eventual permanent partial disability, payment shall be then made for the minimum permanent partial disability ascertainable in lump sum, and further lump sum payment shall be made upon any later ascertainment of greater permanent partial disability. At the time of the tender of the lump sum payment, the employee and employer shall be furnished with a copy of the medical report upon which the payment is based, together with a statement by the insurer as to whether the tendered payment is for minimum permanent partial disability or final and eventual disability. ~~Compensation for permanent partial disability is payable concurrently and in addition to compensation for temporary total disability and temporary partial disability as set forth in section 176.101, subdivisions 1 and 2, and for permanent total disability as defined in section 176.101, subdivision 5; and such compensation for permanent partial disability shall not be deferred pending completion of payment for temporary disability or permanent total disability, and no credit shall~~

~~be taken for payment of permanent partial disability against liability for permanent total disability. Liability on the part of an employer or his insurer for disability of a temporary total, temporary partial, and permanent total nature shall be considered as a continuing product and part of the employee's inability to earn or reduction in earning capacity due to injury or occupational disease and shall be payable accordingly. Permanent partial disability is payable for functional loss of use or impairment of function, permanent in nature, and payment therefore shall be separate, distinct, and in addition to payment for any other compensation.~~ The right to receive temporary total, temporary partial, permanent partial or permanent total disability payments shall vest in the injured employee or his dependents under this chapter or, if none, in his legal heirs at the time the disability can be ascertained and the right shall not be abrogated by the employee's death prior to the making of the payment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, delete "Section" and insert "Sections" and after the semicolon, insert "and 176.021, Subdivision 3;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 19 and nays 44, as follows:

Those who voted in the affirmative were:

Ashbach	Berg	Frederickson	Peterson, D.L.	Sieloff
Bang	Bernhagen	Keefe	Ramstad	Taylor
Belanger	Engler	Knutson	Renneke	Ulland
Benson	Frederick	Lindgren	Rued	

Those who voted in the negative were:

Berglin	Hanson	Luther	Penny	Spear
Bertram	Hughes	Menning	Peterson, C.C.	Stokowski
Chmielewski	Humphrey	Merriam	Peterson, R.W.	Stumpf
Dahl	Johnson	Moe, D.M.	Petty	Tennessen
Davies	Knoll	Moe, R.D.	Purfeerst	Vega
Davis	Kroening	Nelson	Schmitz	Waldorf
Dicklich	Langseth	Nichols	Setzepfandt	Wegener
Dieterich	Lantry	Olhoft	Sikorski	Willet
Frank	Lessard	Pehler	Solon	

The motion did not prevail. So the amendment was not adopted.

Mr. Taylor moved to amend S.F. No. 346 as follows:

Page 2, after line 19, insert:

"Sec. 3. Minnesota Statutes 1980, Section 176.101, Subdivision 1, is amended to read:

Subdivision 1. [TEMPORARY TOTAL DISABILITY.] For injury producing temporary total disability, 66 2/3 percent of the daily wage at the time of injury

~~(1)~~, provided that during the year commencing on October 1, 1979, and each year thereafter, commencing on October 1, the maximum weekly benefits payable shall be the statewide average weekly wage for the period ending December 31, of the preceding year.

~~(2) The minimum weekly compensation benefits for temporary total disability shall be not less than 50 percent of the statewide average weekly wage or~~

~~the injured employee's actual weekly wage, whichever is less. In no case shall a weekly benefit be less than 20 percent of the statewide average weekly wage.~~

This compensation shall be paid during the period of disability, payment to be made at the intervals when the wage was payable, as nearly as may be."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after the semicolon, insert "removing limitation for minimum weekly compensation benefits for temporary total disability;"

Page 1, line 8, delete "Section" and insert "Sections" and after the semicolon, insert "176.101, Subdivision 1"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 19 and nays 43, as follows:

Those who voted in the affirmative were:

Ashbach	Berg	Frederickson	Peterson, D.L.	Sieloff
Bang	Bernhagen	Keefe	Ramstad	Taylor
Belanger	Engler	Knutson	Renneke	Ulland
Benson	Frederick	Lindgren	Rued	

Those who voted in the negative were:

Berglin	Hanson	Luther	Penny	Spear
Bertram	Hughes	Menning	Peterson, C.C.	Stokowski
Chmielewski	Humphrey	Merriam	Peterson, R.W.	Stumpf
Dahl	Johnson	Moe, D.M.	Petty	Vega
Davies	Knoll	Moe, R.D.	Purfeerst	Waldorf
Davis	Kroening	Nelson	Schmitz	Wegener
Dicklich	Langseth	Nichols	Setzepfandt	Willet
Dieterich	Lantry	Olhoft	Sikorski	
Frank	Lessard	Pehler	Solon	

The motion did not prevail. So the amendment was not adopted.

Mr. Frederick moved to amend S.F. No. 346 as follows:

Page 2, after line 19, insert:

"Sec. 3. Minnesota Statutes 1980, Section 176.101, is amended by adding a subdivision to read:

Subd. 7. [APPORTIONMENT.] *Where an ordinary disease of life, or other pre-existing disability, not otherwise compensable, is aggravated, prolonged, contributed to, or accelerated; or combines with a compensable personal injury, including an occupational disease; the compensation benefits payable shall be reduced and limited to such proportion of the compensation benefits that otherwise would be payable, if the personal injury or occupational disease were the sole cause of the disability or death, as the employment, as a contributing factor, bears to all non-employment contributing factors, of such disability or death.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after the semicolon, insert "reducing compensation payments in certain cases;"

Page 1, line 8, delete "Section" and insert "Sections" and after the semi-

colon, insert "176.101, by adding a subdivision;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 21 and nays 43, as follows:

Those who voted in the affirmative were:

Ashbach	Bernhagen	Keefe	Ramstad	Ulland
Bang	Brataas	Knutson	Renneke	
Belanger	Engler	Kronebusch	Rued	
Benson	Frederick	Lindgren	Sieloff	
Berg	Frederickson	Peterson, D.L.	Taylor	

Those who voted in the negative were:

Berglin	Hanson	Menning	Peterson, C.C.	Stokowski
Bertram	Humphrey	Merriam	Peterson, R.W.	Stumpf
Chmielewski	Johnson	Moe, D.M.	Petty	Tennessen
Dahl	Knoll	Moe, R.D.	Purfeerst	Vega
Davies	Kroening	Nelson	Schmitz	Waldorf
Davis	Langseth	Nichols	Setzepfandt	Wegener
Dicklich	Lantry	Olhoft	Sikorski	Willet
Dieterich	Lessard	Pehler	Solon	
Frank	Luther	Penny	Spear	

The motion did not prevail. So the amendment was not adopted.

The question was taken on the recommendation to pass S.F. No. 346.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Pehler	Sikorski
Bang	Dieterich	Langseth	Penny	Solon
Belanger	Engler	Lantry	Peterson, C.C.	Spear
Benson	Frank	Lessard	Peterson, D.L.	Stokowski
Berg	Frederick	Lindgren	Peterson, R.W.	Stumpf
Berglin	Frederickson	Luther	Petty	Taylor
Bernhagen	Hanson	Menning	Purfeerst	Tennessen
Bertram	Humphrey	Merriam	Ramstad	Ulland
Brataas	Johnson	Moe, D.M.	Renneke	Vega
Chmielewski	Keefe	Moe, R.D.	Rued	Waldorf
Dahl	Knoll	Nelson	Schmitz	Wegener
Davies	Knutson	Nichols	Setzepfandt	Willet
Davis	Kroening	Olhoft	Sieloff	

The motion prevailed. So S.F. No. 346 was recommended to pass.

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

Without objection, the Senate reverted to the Order of Business of the Calendar and the Consent Calendar.

CALENDAR

S. F. No. 14: A bill for an act relating to statutes; defining terms; amending Minnesota Statutes 1980, Section 645.44.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 45 and nays 16, as follows:

Those who voted in the affirmative were:

Ashbach	Davis	Kroening	Nelson	Solon
Bang	Dicklich	Kronebusch	Olhoft	Spear
Belanger	Engler	Langseth	Penny	Stokowski
Benson	Frank	Lantry	Peterson, C.C.	Taylor
Berg	Frederickson	Lessard	Purfeerst	Tennessen
Bernhagen	Hanson	Lindgren	Ramstad	Vega
Chmielewski	Johnson	Menning	Schmitz	Waldorf
Dahl	Keefe	Merriam	Setzepfandt	Wegener
Davies	Knoll	Moe, R.D.	Sikorski	Willet

Those who voted in the negative were:

Bertram	Humphrey	Nichols	Renneke	Sieloff
Brataas	Knutson	Pehler	Rued	Ulland
Dieterich	Luther	Peterson, D.L.		
Frederick	Moe, D.M.	Peterson, R.W.		

So the bill passed and its title was agreed to.

S. F. No. 149: A bill for an act relating to delivery or filing of documents; providing for timely delivery or filing of certain documents with respect to weekends and holidays; amending Minnesota Statutes 1980, Section 645.15; proposing new law coded in Minnesota Statutes, Chapter 645.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Pehler	Sikorski
Bang	Dieterich	Langseth	Penny	Solon
Belanger	Engler	Lantry	Peterson, C.C.	Spear
Benson	Frank	Lessard	Peterson, D.L.	Stokowski
Berg	Frederick	Lindgren	Peterson, R.W.	Taylor
Berglin	Frederickson	Luther	Petty	Tennessen
Bernhagen	Hanson	Menning	Purfeerst	Ulland
Bertram	Humphrey	Merriam	Ramstad	Vega
Brataas	Johnson	Moe, D.M.	Renneke	Waldorf
Chmielewski	Keefe	Moe, R.D.	Rued	Willet
Dahl	Knoll	Nelson	Schmitz	
Davies	Knutson	Nichols	Setzepfandt	
Davis	Kroening	Olhoft	Sieloff	

So the bill passed and its title was agreed to.

S. F. No. 175: A bill for an act relating to accountancy; removing an expiration provision related to the board of accountancy; repealing Laws 1979, Chapter 326, Section 15.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Brataas	Frank	Knutson	Menning
Bang	Chmielewski	Frederick	Kroening	Merriam
Belanger	Dahl	Frederickson	Kronebusch	Moe, D.M.
Benson	Davies	Hanson	Langseth	Moe, R.D.
Berg	Davis	Humphrey	Lantry	Nelson
Berglin	Dicklich	Johnson	Lessard	Nichols
Bernhagen	Dieterich	Keefe	Lindgren	Olhoft
Bertram	Engler	Knoll	Luther	Pehler

Penny	Purfeerst	Setzepfandt	Stokowski	Waldorf
Peterson, C.C.	Ramstad	Sieloff	Taylor	Wegener
Peterson, D.L.	Renneke	Sikorski	Tennessen	Willet
Peterson, R.W.	Rued	Solon	Ulland	
Petty	Schmitz	Spear	Vega	

So the bill passed and its title was agreed to.

S. F. No. 159: A bill for an act relating to transportation; providing for the allocation of federal aid secondary funds; and the full utilization of those funds; amending Minnesota Statutes 1980, Section 161.086.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 1, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Pehler	Sikorski
Bang	Dieterich	Langseth	Penny	Solon
Belanger	Engler	Lantry	Peterson, C.C.	Spear
Benson	Frank	Lessard	Peterson, D.L.	Stokowski
Berg	Frederick	Lindgren	Peterson, R.W.	Taylor
Berglin	Frederickson	Luther	Petty	Ulland
Bernhagen	Hanson	Menning	Purfeerst	Vega
Bertram	Humphrey	Merriam	Ramstad	Waldorf
Brataas	Johnson	Moe, D.M.	Renneke	Wegener
Chmielewski	Keefe	Moe, R.D.	Rued	Willet
Dahl	Knoll	Nelson	Schmitz	
Davies	Knutson	Nichols	Setzepfandt	
Davis	Kroening	Olhoft	Sieloff	

Mr. Tennessen voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 247: A bill for an act relating to metropolitan government; providing for the maximum amount of the borrowing authorization of the metropolitan airports commission; requiring the installation of certain equipment; mandating a noise abatement plan; amending Minnesota Statutes 1980, Sections 473.608, Subdivision 20, and by adding a subdivision; and 473.667, Subdivision 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Pehler	Sikorski
Bang	Dieterich	Langseth	Penny	Solon
Belanger	Engler	Lantry	Peterson, C.C.	Spear
Benson	Frank	Lessard	Peterson, D.L.	Stokowski
Berg	Frederick	Lindgren	Peterson, R.W.	Taylor
Berglin	Frederickson	Luther	Petty	Tennessen
Bernhagen	Hanson	Menning	Purfeerst	Ulland
Bertram	Humphrey	Merriam	Ramstad	Vega
Brataas	Johnson	Moe, D.M.	Renneke	Waldorf
Chmielewski	Keefe	Moe, R.D.	Rued	Willet
Dahl	Knoll	Nelson	Schmitz	
Davies	Knutson	Nichols	Setzepfandt	
Davis	Kroening	Olhoft	Sieloff	

So the bill passed and its title was agreed to.

CONSENT CALENDAR

S. F. No. 339: A bill for an act relating to historic sites;designating an additional historic site; amending Minnesota Statutes 1980, Section 138.58, by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Langseth	Penny	Solon
Bang	Engler	Lantry	Peterson, C.C.	Spear
Belanger	Frank	Lessard	Peterson, D.L.	Stokowski
Benson	Frederick	Lindgren	Peterson, R.W.	Taylor
Berg	Frederickson	Luther	Petty	Tennessen
Berglin	Hanson	Menning	Purfeerst	Ulland
Bertram	Humphrey	Merriam	Ramstad	Vega
Brataas	Johnson	Moe, D.M.	Renneke	Waldorf
Chmielewski	Keefe	Moe, R.D.	Rued	Wegener
Dahl	Knoll	Nelson	Schmitz	Willet
Davies	Knutson	Nichols	Setzepfandt	
Davis	Kroening	Olhoft	Sieloff	
Dicklich	Kronebusch	Pehler	Sikorski	

So the bill passed and its title was agreed to.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Schmitz, Johnson, Purfeerst, Frederick and Moe, R.D.introduced—

S.F. No. 525: A bill for an act relating to advertising devices; requiring compensation for removing certain devices; providing for maintenance of areas; amending Minnesota Statutes 1980, Section 173.17; proposing new law coded in Minnesota Statutes, Chapter 173.

Referred to the Committee on Transportation.

Mr. Solon introduced—

S.F. No. 526: A bill for an act relating to probate; changing the order of descent of a cemetery lot in intestate proceedings; amending Minnesota Statutes 1980, Section 525.14.

Referred to the Committee on Judiciary.

Messrs. Langseth, Hughes and Dieterich introduced—

S.F. No. 527: A bill for an act relating to education; specifying the authority of a school board for selection and employment of a superintendent; amending Minnesota Statutes 1980, Section 123.34, Subdivision 9.

Referred to the Committee on Education.

Mr. Frederickson introduced—

S.F. No. 528: A bill for an act relating to the city of New Ulm; authorizing issuance of a license for the sale of intoxicating liquor at Vogel arena.

Referred to the Committee on Commerce.

Messrs. Luther, Tennessen, Bang and Stern introduced—

S.F. No. 529: A bill for an act relating to securities; providing for improved regulation of the sale of securities and the licensing of broker-dealers, agents, and investment advisers; making miscellaneous clarifications and revisions; amending Minnesota Statutes 1980, Sections 80A.04, Subdivision 4; 80A.05, Subdivision 1; 80A.07, Subdivision 1; 80A.12, Subdivision 3; 80A.14; 80A.15, Subdivisions 1 and 2; 80A.16; 80A.21, Subdivision 1; 80A.28, Subdivisions 1, 2, 3, 4 and 7, and by adding a subdivision; 80A.30, Subdivision 2.

Referred to the Committee on Commerce.

Mr. Chmielewski introduced—

S.F. No. 530: A bill for an act relating to game and fish; revising certain provisions concerning the transportation of pistols and revolvers; amending Minnesota Statutes 1980, Section 100.29, Subdivision 5.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Chmielewski introduced—

S.F. No. 531: A bill for an act relating to game and fish; providing for placement of boats, blinds, and decoys; amending Minnesota Statutes 1980, Section 100.29, Subdivision 18.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Ulland introduced—

S.F. No. 532: A bill for an act relating to crimes; providing the court with discretion to require presentence investigations when the defendant has been convicted of a felony; requiring the preparation of sentencing worksheets for felony convictions; amending Minnesota Statutes 1980, Section 609.115, Subdivision 1.

Referred to the Committee on Judiciary.

Messrs. Setzepfandt, Schmitz, Wegener, Frederickson and Frank introduced—

S.F. No. 533: A bill for an act relating to crimes; authorizing law enforcement agencies in municipalities with less than 25,000 inhabitants to seize property unlawfully used in connection with controlled substance violations; amending Minnesota Statutes 1980, Section 152.01, Subdivision 17.

Referred to the Committee on Judiciary.

Mr. Waldorf introduced—

S.F. No. 534: A bill for an act relating to game and fish; free licenses to certain disabled veterans; amending Minnesota Statutes 1980, Section 98.47, Subdivision 16.

Referred to the Committee on Veterans' Affairs.

Messrs. Knoll, Stern, Davies, Ramstad and Spear introduced—

S.F. No. 535: A bill for an act relating to corporations; providing for the issuance of stock in a professional corporation to a professional corporation performing the same kind of service; providing for the transfer of stock to a professional corporation; amending Minnesota Statutes 1980, Section 319A.11.

Referred to the Committee on Judiciary.

Mr. Chmielewski introduced—

S.F. No. 536: A bill for an act relating to local government; providing for the board membership and powers of the Moose Lake and Windemere area sanitary sewer district; amending Laws 1974, Chapter 400, Section 3, Subdivision 12, as amended; and Section 4, Subdivision 2, as amended; repealing Laws 1974, Chapter 400, Section 8, Subdivision 5, as amended.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Purfeerst, Belanger, Penny and Schmitz introduced—

S.F. No. 537: A bill for an act relating to highway traffic regulations; establishing permit fees for certain oversize vehicles; amending Minnesota Statutes 1980, Section 169.86, Subdivision 5.

Referred to the Committee on Transportation.

Ms. Berglin, Messrs. Pehler, Wegener, Kroening and Frederick introduced—

S.F. No. 538: A bill for an act relating to housing; providing new standards and procedures for disclosing conflicts of interest for commissioners and employees of housing and redevelopment authorities; establishing penalties; proposing new law coded in Minnesota Statutes, Chapter 462; repealing Minnesota Statutes 1980, Section 462.431.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Sieloff; Peterson, R.W.; Lessard and Ramstad introduced—

S.F. No. 539: A bill for an act relating to marriage dissolution; changing certain provisions relating to child custody; providing for joint custody in certain cases; amending Minnesota Statutes 1980, Sections 518.003, by adding a subdivision; and 518.17.

Referred to the Committee on Judiciary.

Mr. Waldorf introduced—

S.F. No. 540: A bill for an act relating to crimes; establishing penalties for the crime of issuing a worthless check; amending Minnesota Statutes 1980, Section 609.535, Subdivisions 1, 2, 3, 4, and by adding subdivisions.

Referred to the Committee on Judiciary.

Messrs. Pehler, Renneke, Sikorski and Dicklich introduced—

S.F. No. 541: A bill for an act relating to emergency services; transferring

the division of emergency services from the department of public safety to the office of the governor; amending Minnesota Statutes 1980, Sections 12.04; and 12.11, Subdivision 2; repealing Minnesota Statutes 1980, Sections 12.05; and 12.11, Subdivision 1.

Referred to the Committee on Governmental Operations.

Messrs. Dicklich and Davis introduced—

S.F. No. 542: A bill for an act relating to taxation; extending application of the revenue recapture act to county government; amending Minnesota Statutes 1980, Sections 270A.02; and 270A.03, Subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Ulland, Lindgren, Mrs. Kronebusch, Messrs. Stumpf and Sieloff introduced—

S.F. No. 543: A bill for an act relating to taxation; income; providing depreciation and amortization deductions for the rehabilitation and improvement of historic structures; disallowing expenses, losses and depreciation for the alteration or demolition of historic structures; amending Minnesota Statutes 1980, Sections 290.01, Subdivision 20; and 290.09, by adding a subdivision.

Referred to the Committee on Governmental Operations.

Messrs. Ulland, Rued, Spear and Solon introduced—

S.F. No. 544: A bill for an act relating to taxation; sales and use; extending the exclusion for arts events to arts events sponsored by certain other institutions; amending Minnesota Statutes 1980, Section 297A.25, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Stumpf introduced—

S.F. No. 545: A bill for an act relating to courts; Ramsey county municipal and conciliation courts; requiring fees to be taxed to the state and certain other governmental subdivisions in certain criminal prosecutions; requiring the state and city of St. Paul to pay fees in civil actions; providing for compensation of conciliation court referees; amending Minnesota Statutes 1980, Sections 488A.20, Subdivision 4; 488A.23, Subdivision 6; 488A.30, Subdivision 1; 488A.31, Subdivisions 1 and 5; 488A.33, Subdivisions 5 and 8; and 488A.34, Subdivision 2.

Referred to the Committee on Judiciary.

Mrs. Lantry, Messrs. Johnson and Peterson, R.W. introduced—

S.F. No. 546: A bill for an act relating to taxation; clarifying the time for payment and interest for property tax refunds; amending Minnesota Statutes 1980, Section 290A.07.

Referred to the Committee on Taxes and Tax Laws.

Mrs. Lantry, Messrs. Frank, Stumpf, Sieloff and Waldorf introduced—

S.F. No. 547: A bill for an act relating to Ramsey County; providing for an

age for mandatory retirement of employees; amending Laws 1974, Chapter 435, Section 3.03.

Referred to the Committee on Public Employees and Pensions.

Messrs. Luther; Peterson, C.C.; Stern and Merriam introduced—

S.F. No. 548: A bill for an act relating to taxation; providing for state income tax to be imposed on taxpayer's federal tax liability; amending Minnesota Statutes 1980, Sections 290.01, Subdivisions 1, 7, and by adding subdivisions; 290.03; 290.05; 290.07, Subdivisions 1 and 2; 290.34, Subdivision 3; 290.37, Subdivisions 1 and 3; 290.38; 290.93, Subdivision 1; 290A.03, Subdivision 3; proposing new law coded in Minnesota Statutes, Chapter 290; repealing Minnesota Statutes 1980, Sections 290.01, Subdivisions 1a, 2, 3, 4, 5, 6, 8, 8a, 9, 10, 11, 12, 13, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27; 290.013; 290.02; 290.032; 290.04; 290.06; 290.067; 290.07, Subdivisions 3, 4, 5, 5a, 6 and 7; 290.071 to 290.08; 290.085 to 290.33; 290.35; 290.36; 290.361; 290.39, Subdivision 2; and 290.40.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Stumpf, Nelson, Johnson and Dieterich introduced—

S.F. No. 549: A bill for an act relating to elections; clarifying and correcting certain provisions and eliminating certain obsolete provisions of the ethics in government act; amending Minnesota Statutes 1980, Sections 10A.25, Subdivision 2; 10A.255, by adding a subdivision; 10A.31, Subdivision 2; 10A.32, Subdivision 3b; and 10A.335; repealing Minnesota Statutes 1980, Section 10A.25, Subdivision 7.

Referred to the Committee on Elections and Reapportionment.

Messrs. Belanger, Stumpf, Lindgren, Schmitz and Mrs. Kronebusch introduced—

S.F. No. 550: A bill for an act relating to education; changing the time period for filing an application to be placed on the ballot for board elections; amending Minnesota Statutes 1980, Section 123.32, Subdivision 4.

Referred to the Committee on Elections and Reapportionment.

Mr. Benson, Mrs. Kronebusch, Messrs. Frederickson, Purfeerst and Chmielewski introduced—

S.F. No. 551: A bill for an act proposing an amendment to the Minnesota Constitution, Article XIV, Sections 6 and 11; providing that highway bonds may be issued on the same conditions as other state bonds.

Referred to the Committee on Transportation.

Messrs. Peterson, D.L.; Setzepfandt; Schmitz; Bernhagen and Berg introduced—

S.F. No. 552: A bill for an act relating to taxation; altering the procedure by which certain pollution control equipment is exempted from the property tax; amending Minnesota Statutes 1980, Section 272.02, Subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Peterson, D.L. introduced—

S.F. No. 553: A bill for an act relating to waters; maintaining existing classification of the water use designation of Okabena Creek in Jackson and Nobles Counties.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Peterson, D.L.; Davis; Rued; Benson and Peterson, R.W. introduced—

S.F. No. 554: A bill for an act relating to education; increasing the number of members of the higher education coordinating board who have knowledge of and interest in vocational education; adding the assistant commissioner for vocational education to the membership of the higher education advisory council; amending Minnesota Statutes 1980, Section 136A.02, Subdivisions 1 and 6.

Referred to the Committee on Education.

Messrs. Stern, Tennessen, Keefe, Knoll and Peterson, R.W. introduced—

S.F. No. 555: A bill for an act relating to real property; providing a fee for issuing noncertified copies of instruments or parts of instruments on file in the office of the registrar of titles; amending Minnesota Statutes 1980, Section 508.82.

Referred to the Committee on Judiciary.

Messrs. Stern, Vega, Frederick, Pehler and Purfeerst introduced—

S.F. No. 556: A bill for an act relating to motor vehicles; providing for registration and regulating the display of plates and insignia; providing exemptions from registration and taxation for nonresident servicemen; specifying the time when the tax is due and payable; amending Minnesota Statutes 1980, Sections 168.04, Subdivision 1; 168.09, Subdivisions 1 and 3; and 168.31, Subdivision 1.

Referred to the Committee on Transportation.

Messrs. Hughes, Keefe, Dieterich, Penny and Frederick introduced—

S.F. No. 557: A bill for an act relating to veterans; creating a tuition allowance program for certain veterans; proposing new law coded in Minnesota Statutes, Chapter 197.

Referred to the Committee on Veterans' Affairs.

Messrs. Ramstad, Wegener, Lessard, Stern and Belanger introduced—

S.F. No. 558: A bill for an act relating to the city of Robbinsdale; providing that certain tax increment backed bond issues shall be exempt from net debt limits.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Nelson, Nichols, Johnson, Hanson and Benson introduced—

S.F. No. 559: A bill for an act relating to public utilities; removing munici-

pal utilities from public utilities commission jurisdiction and granting an option in regard thereto; amending Minnesota Statutes 1980, Section 216B.11; proposing new law coded in Minnesota Statutes, Chapter 216B; repealing Minnesota Statutes 1980, Sections 216B.10, Subdivision 6; 216B.12, Subdivision 2; and 216B.13, Subdivision 2.

Referred to the Committee on Commerce.

Messrs. Hughes, Merriam, Wegener, Setzepfandt and Rued introduced—

S.F. No. 560: A bill for an act relating to employment; prohibiting certain cities from establishing residency requirements as a condition of employment; proposing new law coded in Minnesota Statutes, Chapter 415.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Davis; Pehler; Peterson, R.W.; Bernhagen and Engler introduced—

S.F. No. 561: A bill for an act relating to state government; allowing other public employees to participate in state employee van pools under certain circumstances; amending Minnesota Statutes 1980, Section 16.756, by adding a subdivision.

Referred to the Committee on Transportation.

Mr. Kroening, Mrs. Stokowski and Mr. Waldorf introduced—

S.F. No. 562: A bill for an act relating to housing; providing statutory warranties on home improvement work; establishing a cause of action for breach of warranty; providing remedies; amending Minnesota Statutes 1980, Sections 327A.01, Subdivisions 5, 8 and by adding subdivisions; 327A.02, by adding a subdivision; 327A.03; 327A.04, Subdivision 2; 327A.05; and 327A.07.

Referred to the Committee on Energy and Housing.

Messrs. Kroening, Vega, Dicklich and Chmielewski introduced—

S.F. No. 563: A bill for an act relating to labor; imposing a moratorium on certain credit obligations during a labor dispute; proposing new law coded in Minnesota Statutes, Chapter 181.

Referred to the Committee on Commerce.

Messrs. Kroening and Dicklich introduced—

S.F. No. 564: A bill for an act relating to commerce; establishing a statewide consumer outreach service in the section of consumer services; appropriating money; amending Minnesota Statutes 1980, Section 45.16, by adding a subdivision.

Referred to the Committee on Commerce.

Messrs. Kroening and Knoll introduced—

S.F. No. 565: A bill for an act relating to housing; creating a demonstration program in congregate housing; appropriating money; amending Minnesota Statutes 1980, Sections 462A.02, by adding a subdivision; 462A.03, by adding a subdivision; 462A.05, by adding a subdivision; and 462A.21, by

adding a subdivision.

Referred to the Committee on Energy and Housing.

Messrs. Rued, Sieloff, Bernhagen, Chmielewski and Engler introduced—

S.F. No. 566: A bill for an act relating to taxation; income; increasing the amount of non-farm income which can be used to offset farm expenses and losses; amending Minnesota Statutes 1980, Section 290.09, Subdivision 29.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Rued, Bernhagen, Chmielewski and Setzepfandt introduced—

S.F. No. 567: A bill for an act relating to state lands; providing for the sale by taxing districts of certain tax-forfeited land; amending Minnesota Statutes 1980, Section 282.018.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Tennessen, Solon, Stern, Bang and Keefe introduced—

S.F. No. 568: A bill for an act relating to financial institutions; permitting banks to make adjustable-rate mortgage loans; proposing new law coded in Minnesota Statutes, Chapter 48.

Referred to the Committee on Commerce.

Mr. Penny introduced—

S.F. No. 569: A bill for an act relating to agriculture; changing the name of the joint legislative committee on agricultural land preservation; amending Laws 1979, Chapter 315, Sections 2 and 3.

Referred to the Committee on Governmental Operations.

Mr. Penny introduced—

S.F. No. 570: A bill for an act relating to public safety; requiring permission from the chief of police or county sheriff and the superintendent of the bureau of criminal apprehension to use radio equipment, base fixed monitors, or portable radio units capable of receiving signals from any police emergency frequency; amending Minnesota Statutes 1980, Section 299C.37, Subdivisions 1 and 3.

Referred to the Committee on General Legislation and Administrative Rules.

Mr. Engler introduced—

S.F. No. 571: A bill for an act relating to Goodhue county; permitting an additional tax for county fairs.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Sieloff introduced—

S.F. No. 572: A bill for an act relating to family; changing provisions relating to orders for continuing contributions by parents; withholding of income and payments of support to the public authority in certain cases;

amending Minnesota Statutes 1980, Sections 256.87; 256.872; 256.873; 256.875; 256.877; 518.54, by adding subdivisions; 518.551; and 518.611; repealing Minnesota Statutes 1980, Section 256.87, Subdivision 3.

Referred to the Committee on Judiciary.

Mr. Solon introduced—

S.F. No. 573: A bill for an act relating to taxation; real property; extending the homestead credit to certain noncontiguous property; amending Minnesota Statutes 1980, Sections 273.13, Subdivision 7; and 290A.03, Subdivision 6.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Spear, Merriam, Davies, Knutson and Sieloff introduced—

S.F. No. 574: A bill for an act relating to judicial procedures; changing certain provisions relating to guardianship and conservatorship; amending Minnesota Statutes 1980, Sections 525.539, Subdivision 3; 525.54; 525.541; 525.542; 525.543; 525.55; 525.551; 525.5515; 525.56, Subdivisions 3 and 4; 525.58; 525.591, Subdivisions 2 and 3; 525.618, Subdivision 1; 525.6185; 525.619; 525.6192; 525.6196; 525.6198; 525.62; 525.67; 525.69; and 525.703.

Referred to the Committee on Judiciary.

Mr. Merriam introduced—

S.F. No. 575: A bill for an act relating to public utilities; placing certain cooperative electric associations under the jurisdiction of the public utilities commission for rate making purposes; amending Minnesota Statutes 1980, Section 216B.16, by adding a subdivision.

Referred to the Committee on Commerce.

Mr. Moe, R.D. introduced—

S.F. No. 576: A bill for an act relating to the city of East Grand Forks; permitting the city to acquire and develop certain land for industrial purposes.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Moe, R.D. introduced—

S.F. No. 577: A bill for an act relating to state lands; authorizing the sale of certain tax-forfeited land.

Referred to the Committee on Agriculture and Natural Resources.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Thursday, March 5, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TWENTIETH DAY

St. Paul, Minnesota, Thursday, March 5, 1981

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

Prayer was offered by the Chaplain, Rev. Clyde McDowell.

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

Bang	Engler	Lantry	Peterson, C.C.	Solon
Belanger	Frank	Lessard	Peterson, D.L.	Spear
Benson	Frederickson	Lindgren	Peterson, R.W.	Stern
Berglin	Hanson	Luther	Petty	Stokowski
Bernhagen	Hughes	Menning	Pillsbury	Stumpf
Bertram	Humphrey	Merriam	Purfeerst	Taylor
Brataas	Johnson	Moe, D.M.	Ramstad	Tennessen
Chmielewski	Keefe	Moe, R.D.	Renneke	Ulland
Dahl	Knoll	Nelson	Rued	Vega
Davies	Knutson	Nichols	Schmitz	Waldorf
Davis	Kroening	Olhoft	Setzepfandt	Wegener
Dicklich	Kronebusch	Pehler	Sieloff	Willet
Dieterich	Langseth	Penny	Sikorski	

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 Frederick were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

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

January 21, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

The following appointment to the Public Utilities Commission is hereby respectfully submitted to the Senate for confirmation as required by law:

Marcelle (Terry) Hoffman, 405 Portland Avenue, St. Paul, Ramsey County, has been appointed by me, effective February 23, 1981, for a term expiring the first Monday in January, 1987.

(Referred to the Committee on Commerce.)

Sincerely,

Albert H. Quie, Governor

February 27, 1981

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

The Honorable Jack Davies
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1981 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1981	Date Filed 1981
23		2	February 27	February 27
	23	3	February 27	February 27
	230	4	February 27	February 27

Sincerely,

Joan Anderson Growe
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S. F. No. 102.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 2, 1981

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 30, 87, 201 and 331.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 2, 1981

FIRST READING OF HOUSE BILLS

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

H. F. No. 30: A bill for an act relating to Independent School District No. 219, Elmore; requiring revision of its certified statutory operating debt.

Referred to the Committee on Education.

H.F. No. 87: A bill for an act relating to commerce; clarifying the definition of a "sale of goods" as it applies to consumer credit sales to include certain terminable bailments or leases; clarifying the interests of the respective parties; providing for a certain contract provision; amending Minnesota Statutes 1980, Sections 325G.15, Subdivision 5; and 325G.16, by adding subdivisions.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 66, now on General Orders.

H. F. No. 201: A bill for an act relating to fire control services; providing for reimbursement by railroads and the department of public safety; setting the time limit for claims; amending Minnesota Statutes 1980, Sections 161.465; and 219.761, Subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 202.

H. F. No. 331: A bill for an act relating to education; providing that the deadline for applications for aid for programs for limited English proficient students be set by the commissioner of education, rather than by statute and changing the time for notice of aid to applicants; repealing an obsolete provision requiring the state board of education to promulgate rules for the time schedule for implementation of the uniform minimum school age entrance requirements and a requirement that it make a certain biennial report to the governor; amending Minnesota Statutes 1980, Section 126.263, Subdivisions 3 and 4; repealing Minnesota Statutes 1980, Sections 120.06, Subdivision 2; and 121.13.

Referred to the Committee on Education.

REPORTS OF COMMITTEES

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

Mr. Knoll from the Committee on Governmental Operations, to which was referred

S. F. No. 241: A bill for an act relating to state government; making permanent the state council on affairs of the Spanish-speaking people; appropriating money; amending Laws 1978, Chapter 510, Sections 2 and 5; repealing Laws 1978, Chapter 510, Section 10.

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

Page 2, line 4, reinstate the stricken language

Page 2, line 5, before "*council*" insert "*and*"

Page 2, line 6, after "by" insert "*a majority vote of*"

Page 2, line 6, after "the" insert "*entire*"

Page 2, after line 12 insert:

"Sec. 3. [CLASSIFIED STAFF.]

Notwithstanding section 2, the staff person of the council in the classified service on or before July 1, 1981, shall remain in the classified service."

Page 2, after line 19 insert:

"Sec. 6. [EFFECTIVE DATE.]

Section 4 is effective the day following final enactment."

Renumber the sections in sequence

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

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

S. F. No. 336: A bill for an act relating to local government; making explicit the power of local government units to establish more than one recreation board; amending Minnesota Statutes 1980, Section 471.15.

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

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

S. F. No. 384: A bill for an act relating to local government; providing that charter commission documents be available to the public; amending Minnesota Statutes 1980, Sections 410.05, Subdivision 4; and 410.07.

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

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

S. F. No. 215: A bill for an act relating to taxation; allowing urban towns to increase their tax levy limit base by eight percent per year; amending Minnesota Statutes 1980, Section 275.52, Subdivision 2.

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

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

S. F. No. 202: A bill for an act relating to fire control services; providing for reimbursement by railroads and the transportation department; setting the time limit for claims; amending Minnesota Statutes 1980, Sections 161.465; and 219.761, Subdivision 1.

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

Page 1, line 19, strike "transportation" and insert "*public safety*"

Page 1, line 23, strike "transportation" and insert "*public safety*"

Amend the title as follows:

Page 1, line 3, delete "transportation" and insert "public safety"

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

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

S. F. No. 197: A bill for an act relating to highway traffic regulations; providing for the type and placement of reflectors on certain farm equipment; amending Minnesota Statutes 1980, Section 169.55, Subdivision 2.

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

Page 2, line 4, delete everything after "*equipment*" and insert "*and the*

reflectors shall be reflex reflectors that shall be visible at night from all distances within 600 feet to 100 feet when directly in front of lawful lower beams of headlamps''

Page 2, line 5, delete everything before the period

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

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

S. F. No. 263: A bill for an act relating to highway traffic regulations; requiring the use of child passenger restraint systems for certain children under the age of four years; prescribing penalties; amending Minnesota Statutes 1980, Section 169.685, by adding a subdivision.

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

Page 1, after line 8, insert:

''Section 1. Minnesota Statutes 1980, Section 169.685, Subdivision 4, is amended to read:

Subd. 4. Proof of the use or failure to use seat belts *or a child passenger restraint system as described in section 2*, or proof of the installation or failure of installation of seat belts *or a child passenger restraint system as described in section 2* shall not be admissible in evidence in any litigation involving personal injuries or property damage resulting from the use or operation of any motor vehicle.''

Page 1, line 14, delete ''*provide*'' and insert ''*equip and install for use*''

Page 1, line 15, delete ''*and properly use*'' and insert '', *in the right front or rear seats,*''

Page 1, line 16, after ''*standards*'' insert ''*according to the manufacturer's instructions*''

Page 1, line 17, delete everything after ''*subdivision*'' and insert ''*shall be given a hazard warning by the state highway patrol or local law enforcement officer as to the possible danger to children due to the failure to equip and install for use in the motor vehicle a child passenger restraint system as described in this section. The warning shall also advise and urge that parent or guardian to utilize the child passenger restraint systems that are available in the vehicle. No other penalty shall be assessed against a parent or guardian for a violation of this section.*''

Page 1, delete lines 18 and 19

Page 1, after line 19, insert:

''Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective January 1, 1982.''

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after ''169.685,'' insert ''Subdivision 4, and''

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

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

S. F. No. 356: A bill for an act relating to taxation; authorizing certain taxing districts to provide property tax exemption or abatement for certain new business facilities; requiring an adjustment of the EARC valuation; adjusting the local government aid formula; amending Minnesota Statutes 1980, Sections 124.212; and 477A.01, Subdivision 4; proposing new law coded in Minnesota Statutes, Chapter 273.

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

Page 2, line 29, delete "*$50,000*" and insert "*$400,000*"

Page 2, line 35, delete "*$25,000*" and insert "*$200,000*"

Page 2, line 37, delete "*structure used for agricultural production,*"

Page 3, line 37, delete "*adjusted*"

Page 4, line 3, after "*the*" insert "*assessed*"

Page 9, line 26, after "less" insert "*(A)*"

Page 9, line 27, after "district" insert "*and (B) the value of property exempted from taxation pursuant to section 1,*"

Page 11, after line 25, insert:

"Sec. 4. [REPORT FROM COMMISSIONER.]

By January 31, 1984, the commissioner of revenue shall provide a detailed report to the chairmen of the Senate committee on taxes and tax laws and the House committee on taxes regarding the implementation of section 1 through December 31, 1983."

Page 11, line 27, delete "*This act*" and insert "*Section 1*" and after "*effective*" insert "*in any county in which a majority of the county board of commissioners has approved its use, provided that, upon approval, the board shall cause a notice of the measure to be published in an official newspaper of the county or, if there is no official newspaper, in a newspaper of general circulation in the county. The resolution approving the exemption procedure shall be published for four successive weeks. If, within 30 days from the date of the fourth publication, a petition signed by voters of the county equal in number to five percent of the votes cast in the last general election in the county, requesting a referendum on the proposed exemption procedure, is filed with the county auditor, the provisions of section 1 shall not be effective in that county until the question has been submitted to the voters at a general or special election and a majority of votes cast on the question are in the affirmative. If no such petition is filed, exemption may be given*"

Page 11, line 28, delete "*August 1, 1981 and for*" and insert "*the county has approved the use of section 1 and the time for filing a referendum petition on the question has passed.*"

Page 11, delete lines 29 and 30 and insert "*No new exemption shall be granted after July 31, 1986.*

Sections 2 to 4 are effective the day following final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "requiring a report from the

commissioner of revenue; requiring county approval and providing for a reverse referendum;''.

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

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

S. F. No. 432: A bill for an act relating to taxation; providing dates for settlement of mortgage registry and deed tax receipts; providing for payment of excise tax on special fuel by bulk purchasers; clarifying responsibilities and authority of commissioner of revenue in administering and auditing mineral taxes; providing for filing requirements for royalty reports; amending Minnesota Statutes 1980, Sections 287.12; 287.29, Subdivision 1; 296.12, by adding a subdivision; 298.09, by adding a subdivision; 298.15; 299.03; 299.05; and 299.12; and repealing Minnesota Statutes 1980, Section 287.29, Subdivision 2.

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

Page 2, after line 7, insert:

''Sec. 3. Minnesota Statutes 1980, Section 296.12, Subdivision 3, is amended to read:

Subd. 3. [COLLECTION, REPORTING AND PAYMENT OF TAX.] ~~All distributors and special fuel dealers selling or delivering special fuel into the supply tank of an aircraft or a licensed motor vehicle shall collect, report and pay the excise tax thereon to the commissioner.~~

Distributors ~~may, subject to the approval of the commissioner, elect to~~ *shall* pay the special fuel excise tax on all combustible gases and liquid petroleum products or substitutes therefor, except gasoline, delivered into storage tanks at retail service stations operated by them. ~~Upon such election, the payment of the special fuel excise tax shall be made in the same manner for the balance of the license period.~~

~~Licensed special fuel dealers may, subject to the approval of the commissioner, elect to pay the special fuel excise tax on all combustible gases and liquid petroleum products or substitutes therefor, except gasoline, delivered to them. Upon such election, the payment of the special fuel excise tax shall be made in the same manner for the balance of the license period.~~

Distributors and special fuel dealers may, subject to the approval of the commissioner, elect to pay to the commissioner the special fuel excise tax on all special fuel delivered or sold into the supply tank of an aircraft or a licensed motor vehicle. Under this option an invoice must be issued at the time of each delivery showing the name and address of the purchaser, date of sale, number of gallons, price per gallon and total amount of sale. A separate sales ticket book shall be maintained for special fuel sales.

Bulk purchasers shall report and pay the excise tax on all special fuel purchased by them for storage, to the commissioner.

Any person delivering special fuel on which the excise tax has not previously been paid, into the supply tank of an aircraft or a licensed motor vehicle shall report such delivery and pay the excise tax on the special fuel so delivered, to the commissioner.

Sec. 4. Minnesota Statutes 1980, Section 296.12, Subdivision 4, is amended to read:

Subd. 4. [MONTHLY REPORTS; SHRINKAGE ALLOWANCE.] On or before the 23rd day of each month, the persons subject to the provisions of this section shall file in the office of the commissioner at St. Paul, Minnesota, a report in the following manner:

(1) ~~Distributors and special fuel dealers shall report the total number of gallons of special fuel sold or delivered into the supply tank of an aircraft or a licensed motor vehicle by them during the preceding calendar month, and the report shall be accompanied by the special fuel excise tax due thereon and such other information as the commissioner may require.~~

~~(2)~~ Distributors and special fuel dealers ~~who have elected to pay the special fuel excise tax on all special fuel delivered to them as provided in subdivision 3 of section 296.12~~ shall report the total number of gallons delivered to them during the preceding calendar month and shall pay the special fuel excise tax due thereon to the commissioner. Credit for the excise tax due or previously paid on special fuel used by the distributor or special fuel dealer for heating his place of business, *or special fuel sold for any purpose other than use in licensed motor vehicles and evidenced by an invoice issued at time of sale*, may be allowed in computing the tax liability. *The invoice must show the true and correct name and address of the purchaser, and the purchaser's signature.* The report shall contain such other information as the commissioner may require. ~~The first report after such election shall also show the total gallons on hand on the first day of the period for which the report is filed and it shall be accompanied by the special fuel excise tax due thereon.~~

(2) Distributors and special fuel dealers who have elected to pay the special fuel excise tax on all special fuel delivered into the supply tank of an aircraft or licensed motor vehicle as provided in section 296.12, subdivision 3, shall report the total number of gallons delivered into the supply tank of an aircraft or licensed motor vehicle during the preceding calendar month and shall pay the special fuel excise tax due thereon to the commissioner.

(3) Bulk purchasers shall report and pay the special fuel excise tax on all special fuel purchased by them for storage, during the preceding calendar month. In such cases as the commissioner may permit, credit for the excise tax due or previously paid on special fuel not used in aircraft or licensed motor vehicles, may be allowed in computing tax liability. The report shall contain such other information as the commissioner may require.

(4) In computing the special fuel excise tax due under clauses (1), (2), and (3), a deduction of one percent of the quantity of special fuel on which tax is due shall be made for evaporation and loss.

Sec. 5. Minnesota Statutes 1980, Section 296.12, Subdivision 5, is amended to read:

Subd. 5. [SALES TICKETS.] A sales ticket shall be issued for each delivery of special fuel to a bulk purchaser ~~or into the supply tank of an aircraft or a licensed motor vehicle~~. *A sales ticket shall also be issued for each delivery into the supply tank of an aircraft or a licensed motor vehicle, if so requested by the purchaser.* The person who delivers the special fuel shall issue ~~and sign~~ the sales ticket and ~~such person~~ shall show thereon the name and address of the purchaser, ~~motor vehicle license number if delivered into the supply tank of a licensed motor vehicle,~~ date of sale, number of gallons, price per gallon, and

total amount of sale. ~~On deliveries of special fuel into the supply tank of an aircraft or a licensed motor vehicle the sales ticket shall show the per gallon rate of special fuel excise tax. The words "Special Fuel" shall be written on each sales ticket at the time of sale or delivery. A separate sales ticket book shall be maintained for special fuel sales by a special fuel dealer.~~"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 10, after "296.12," insert "Subdivisions 3, 4, and 5, and"

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

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 324: A bill for an act relating to general assistance; providing for vendor payments of grants prior to verification of applications; amending Minnesota Statutes 1980, Section 256D.09, Subdivision 1.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 256D.07, is amended to read:

256D.07 [TIME OF PAYMENT OF ASSISTANCE.]

An applicant for general assistance or general assistance medical care authorized by section 256D.03, subdivision 3 shall be deemed ~~presumptively~~ eligible if his application ~~on its face demonstrates~~ *and the verification of the statement on that application demonstrate* that he is within the eligibility criteria established by sections 256D.01 to 256D.21 and any applicable rules of the commissioner. *Any person requesting general assistance or general assistance medical care shall be permitted by the local agency to make an application for assistance as soon as administratively possible and in no event later than the fourth day following the date on which assistance is first requested, and no local agency shall require that a person requesting assistance appear at the offices of the local agency more than once prior to the date on which the person is permitted to make the application.* The application shall be in writing in the manner and upon the form prescribed by the commissioner and ~~verified~~ *attested to* by the oath of the applicant or in lieu thereof shall contain the following declaration which shall be signed by the applicant: "I declare that this application has been examined by me and to the best of my knowledge and belief is a true and correct statement of every material point." *On the date that general assistance is first requested, the local agency shall inquire and determine whether the person requesting assistance is in immediate need of food, shelter, clothing, assistance for necessary transportation, or other emergency assistance pursuant to section 256D.06, subdivision 2. A person in need of emergency assistance shall be granted emergency assistance immediately, and necessary emergency assistance shall continue until either the person is determined to be ineligible for general assistance or the first grant of general assistance is paid to the person. A determination of an applicant's eligibility for general assistance shall be made by the local agency as soon as the required verifications are received by the local agency and in no event later than 30 days following the date that the application is made. Any verifications required of*

the applicant shall be reasonable, and the commissioner shall by rule establish reasonable verifications. General assistance shall be ~~immediately~~ granted to ~~such presumptively~~ *an* eligible applicant without the necessity of first securing action by the board of the local agency. *The amount of the first grant of general assistance awarded to an applicant shall be computed to cover the time period starting with the date that assistance is first requested or if the applicant is not eligible on that date, the date on which the applicant first becomes eligible, and the first grant may be reduced by the amount of emergency general assistance provided to the applicant.*

If upon verification and due investigation it appears that the applicant provided false information and the false information materially affected his eligibility for general assistance or general assistance medical care provided pursuant to section 256D.03, subdivision 3 or the amount of his general assistance grant, the local agency may refer the matter to the county attorney. The county attorney may commence a criminal prosecution or a civil action for the recovery of any general assistance wrongfully received, or both.

Sec. 2. Minnesota Statutes 1980, Section 256D.09, Subdivision 1, is amended to read:

Subdivision 1. ~~All~~ *Until the local agency has determined the initial eligibility of the applicant in accordance with the provisions of section 256D.07, grants for emergency general assistance shall be in the form of vouchers or vendor payments unless the local agency determines that a cash grant will best resolve the applicant's need for emergency assistance. Thereafter,* grants of general assistance shall be paid in cash and ~~subsequent to the initial grant,~~ shall be paid once per month on the first day of the month.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to general assistance; removing the presumption of eligibility from general assistance; providing that applications be permitted no later than four days after assistance is requested; requiring that determinations be made with respect to the need for emergency general assistance; providing that eligibility determinations for general assistance be made no later than 30 days following application; providing that the first general assistance grant be computed for eligible applicants from the time when assistance is requested; requiring vendor payments of grants until eligibility determinations are complete; amending Minnesota Statutes 1980, Sections 256D.07 and 256D.09, Subdivision 1."

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

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 325: A bill for an act relating to public welfare; establishing a grant mechanism for funding services to adult mentally ill persons in residential programs; setting forth responsibilities of the commissioner of public welfare; exempting residential facilities for mentally ill persons from certain requirements until July 1, 1984; appropriating money; amending Minnesota Statutes 1980, Section 245.812, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 245.

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

Page 1, line 15, after "ILL" insert "PERSONS"

Page 1, line 17, delete "*an experimental*" and insert "*a*"

Page 1, line 20, delete "*for the*" and insert "*to*" and after "*ill*" insert "*persons*"

Page 1, line 26, delete "*application and budget shall*" and insert "*commissioner shall give first priority to residential facilities for adult mentally ill persons operating*"

Page 1, delete line 27

Page 1, line 28, delete "*existing*"

Page 2, line 1, delete "*in any way present*"

Page 2, line 2, after "*state,*" insert "*or*" and delete "*, or private*"

Page 2, line 3, after "*resources*" insert "*unless the reduction in available moneys is the result of a state or federal decision not to refund an existing program*"

Page 2, line 3, after "*percent*" insert "*, on a one-time basis per facility,*"

Page 2, line 5, delete "*structural changes*" and insert "*upgrading of the physical plant*"

Page 2, line 8, delete "*up to*" and delete "*, but no less than 50 percent,*"

Page 2, line 10, after "*facilities*" insert "*as provided in subdivision 2*"

Page 2, line 12, after "*temporary*" insert "*and permanent*"

Page 2, line 15, after "*for*" insert "*compliance,*"

Page 2, line 19, after "*legislature*" insert "*no later than December 31 of each even-numbered year*"

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

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 151: A bill for an act relating to local government; regulating the zoning of battered women's shelters; amending Minnesota Statutes 1980, Section 462.357, Subdivisions 7 and 8.

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

Page 1, line 10, strike "and" and insert "*persons,*"

Page 1, line 11, after "persons" insert "*, and battered women and their children*"

Page 1, after line 20, insert:

"*A zoning ordinance may require a shelter for battered women to have no more than one parking space for each staff member on duty and one parking space for every five residents.*"

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

adopted.

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

H. F. No. 44: A bill for an act relating to health; repealing a certain administrative rule of the department of health unconditionally prohibiting double beds in nursing homes and boarding care homes; exempting out of state physicians from licensing regulations under certain conditions; amending Minnesota Statutes 1980, Section 147.09.

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

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

H. F. No. 45: A bill for an act relating to health; repealing a certain administrative rule of the department of health unconditionally prohibiting the use of locks on patient room doors in nursing homes.

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

Mr. Olhoft from the Committee on General Legislation and Administrative Rules, to which were referred the following appointments as reported in the Journal for January 19, 1981:

BOARD OF THE ARTS

Philip Brunelle

Mary E. Leach

Daniel K. Peterson

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

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

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which were referred the following appointments as reported in the Journal for January 19, 1981:

STATE LIVESTOCK SANITARY BOARD

Dr. Robert L. Mersch

ENVIRONMENTAL EDUCATION BOARD

Lee H. Grim

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

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

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

which was referred the following appointment as reported in the Journal for January 22, 1981:

STATE SOIL AND WATER CONSERVATION BOARD

Wayne C. Haglin

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

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

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which were referred the following appointments as reported in the Journal for February 2, 1981:

MINNESOTA WATER RESOURCES BOARD

Glenn A. Kinneberg

STATE SOIL AND WATER CONSERVATION BOARD

Neil Saxton

MINNESOTA POLLUTION CONTROL AGENCY

Dr. Howard Andersen
Virgil C. Herrick
Dr. Wallace W. Nelson

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

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

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred the following appointment as reported in the Journal for February 16, 1981:

STATE LIVESTOCK SANITARY BOARD

Jerry Rypka

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

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

SECOND READING OF SENATE BILLS

S. F. Nos. 336, 384, 215, 202, 197, 263, 356, 432, 324 and 151 were read the second time.

SECOND READING OF HOUSE BILLS

H. F. Nos. 44 and 45 were read the second time.

MOTIONS AND RESOLUTIONS

Ms. Berglin moved that the name of Mr. Petty be added as co-author to S. F.

No. 324. The motion prevailed.

Mr. Frank moved that the name of Mr. Merriam be added as co-author to S. F. No. 329. The motion prevailed.

Mr. Dicklich moved that the name of Mr. Lessard be added as co-author to S. F. No. 391. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Purfeerst be added as co-author to S. F. No. 531. The motion prevailed.

Mr. Waldorf moved that the name of Mr. Frank be added as co-author to S. F. No. 534. The motion prevailed.

Mr. Waldorf moved that the name of Mr. Frank be added as co-author to S. F. No. 540. The motion prevailed.

Mr. Pehler moved that the name of Mr. Davis be added as co-author to S. F. No. 541. The motion prevailed.

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

Mr. Solon moved that the names of Messrs. Willet and Dicklich be added as co-authors to S. F. No. 573. The motion prevailed.

Mr. Johnson moved that S. F. No. 215, on General Orders, be stricken and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

RECESS

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Johnson moved that S. F. No. 558 be withdrawn from the Committee on Taxes and Tax Laws and re-referred to the Committee on Local Government and Urban Affairs. The motion prevailed.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on Bill Scheduling, designated S. F. No. 366 a Special Order to be heard immediately.

S. F. No. 366: A bill for an act relating to taxation; providing a new schedule for payment of income taxes withheld from wages; giving temporary rulemaking authority; appropriating money; amending Minnesota Statutes 1980, Section 290.92, Subdivision 6.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 54 and nays 9, as follows:

Those who voted in the affirmative were:

Bang	Benson	Bernhagen	Brataas	Dahl
Belanger	Berglin	Bertram	Chmielewski	Davis

Dicklich	Knutson	Moe, D.M.	Purfeerst	Spear
Engler	Kroening	Moe, R.D.	Ramstad	Stern
Frank	Kronebusch	Nelson	Renneke	Stokowski
Frederickson	Langseth	Pehler	Rued	Taylor
Hanson	Lantry	Penny	Schmitz	Ulland
Humphrey	Lessard	Peterson, C.C.	Setzepfandt	Vega
Johnson	Lindgren	Peterson, D.L.	Sieloff	Waldorf
Keefe	Luther	Petty	Sikorski	Willet
Knoll	Menning	Pillsbury	Solon	

Those who voted in the negative were:

Davies	Hughes	Nichols	Peterson, R.W.	Tennessen
Dieterich	Merriam	Olhoft	Stumpf	

So the bill passed and its title was agreed to.

CALENDAR

S. F. No. 346: A bill for an act relating to workers' compensation; requiring detailed information on Minnesota business experience under workers' compensation insurance to be supplied by the Minnesota workers' compensation insurance rating association in any request for a modification of the rate schedule; amending Minnesota Statutes 1980, Section 79.171; proposing new law coded in Minnesota Statutes, Chapter 79.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Engler	Lantry	Peterson, C.C.	Solon
Belanger	Frank	Lessard	Peterson, D.L.	Spear
Benson	Frederickson	Lindgren	Peterson, R.W.	Stern
Berglin	Hanson	Luther	Petty	Stokowski
Bernhagen	Hughes	Menning	Pillsbury	Stumpf
Bertram	Humphrey	Merriam	Purfeerst	Taylor
Brataas	Johnson	Moe, D.M.	Ramstad	Tennessen
Chmielewski	Keefe	Moe, R.D.	Renneke	Ulland
Dahl	Knoll	Nelson	Rued	Vega
Davies	Knutson	Nichols	Schmitz	Waldorf
Davis	Kroening	Olhoft	Setzepfandt	Wegener
Dicklich	Kronebusch	Pehler	Sieloff	Willet
Dieterich	Langseth	Penny	Sikorski	

So the bill passed and its title was agreed to.

CONSENT CALENDAR

S. F. No. 219: A bill for an act relating to state historic sites; adding the Wayzata Depot to the registry of state historic sites; amending Minnesota Statutes 1980, Section 138.56, by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Berglin	Brataas	Davies	Dieterich
Belanger	Bernhagen	Chmielewski	Davis	Engler
Benson	Bertram	Dahl	Dicklich	Frank

Frederickson	Langseth	Olhoft	Renneke	Stumpf
Hanson	Lantry	Pehler	Rued	Taylor
Hughes	Lessard	Penny	Schmitz	Tennessen
Humphrey	Lindgren	Peterson, C.C.	Setzepfandt	Ulland
Johnson	Luther	Peterson, D.L.	Sieloff	Vega
Keefe	Menning	Peterson, R.W.	Sikorski	Waldorf
Knoll	Moe, D.M.	Petty	Solon	Willet
Knutson	Moe, R.D.	Pillsbury	Spear	
Kroening	Nelson	Purfeerst	Stern	
Kronebusch	Nichols	Ramstad	Stokowski	

So the bill passed and its title was agreed to.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Sikorski introduced—

S.F. No. 578: A bill for an act relating to the bureau of criminal apprehension; including the superintendent within workers' compensation coverage; amending Minnesota Statutes 1980, Section 299C.19.

Referred to the Committee on Public Employees and Pensions.

Mr. Sikorski introduced—

S.F. No. 579: A bill for an act relating to public welfare; requiring licensure for adult day care facilities; amending Minnesota Statutes 1980, Sections 245.782, Subdivision 2; 245.791; 256B.02, Subdivisions 7 and 8.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Ulland introduced—

S.F. No. 580: A bill for an act relating to health; providing for an automatic fine in certain instances relating to nursing home inspections; setting a penalty; amending Minnesota Statutes 1980, Section 144A.10, by adding a subdivision.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Chmielewski introduced—

S.F. No. 581: A bill for an act relating to employment; authorizing the commissioner of economic security to make certain summer youth employment advances; amending Minnesota Statutes 1980, Section 268.34.

Referred to the Committee on Employment.

Messrs. Langseth, Lindgren and Hughes introduced—

S.F. No. 582: A bill for an act relating to education; providing for the use of the proceeds of the sale or exchange of school buildings or real property of a school district; amending Minnesota Statutes 1980, Section 123.36, Subdivision 13.

Referred to the Committee on Education.

Messrs. Taylor, Frederickson, Ramstad, Lindgren and Berg introduced—

S.F. No. 583: A bill for an act relating to the legislature; reducing appropriations to the legislature for the 1981 fiscal year by ten percent.

Referred to the Committee on Rules and Administration.

Mr. Ashbach introduced—

S.F. No. 584: A bill for an act relating to the legislature; providing that amendments to the U. S. Constitution must be approved by a three-fifths vote of each house; amending Minnesota Statutes 1980, Section 5.06; proposing new law coded in Minnesota Statutes, Chapter 3.

Referred to the Committee on Rules and Administration.

Messrs. Knutson and Belanger introduced—

S.F. No. 585: A bill for an act relating to metropolitan government; providing conditions for parks and open spaces acquisition, management and conveyance; amending Minnesota Statutes 1980, Section 473.333.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Lessard, Willet, Sieloff, Ramstad and Peterson, R.W. introduced—

S.F. No. 586: A bill for an act relating to crimes; providing for the return of stolen property; providing that photographic records of stolen property shall be admissible as evidence; proposing new law coded in Minnesota Statutes, Chapter 609.

Referred to the Committee on Judiciary.

Messrs. Solon, Ulland, Nelson and Chmielewski introduced—

S.F. No. 587: A bill for an act relating to public employees; redefining "confidential employee" for purposes of the public employees labor relations act; amending Minnesota Statutes 1980, Section 179.63, Subdivision 8.

Referred to the Committee on Public Employees and Pensions.

Messrs. Schmitz, Purfeerst, Penny, Engler and Mrs. Lantry introduced—

S.F. No. 588: A bill for an act proposing an amendment to the Minnesota Constitution, Article XIV, Section 11; removing certain restrictions on highway bonds.

Referred to the Committee on Transportation.

Messrs. Johnson, Solon, Dicklich, Setzepfandt and Rued introduced—

S.F. No. 589: A bill for an act relating to education; permitting certain school districts to levy taxes for certain costs of non-resident tuition; amending Minnesota Statutes 1980, Sections 123.39, by adding a subdivision; and 275.125, Subdivision 4.

Referred to the Committee on Education.

Messrs. Merriam; Peterson, C.C.; Penny; Frederick and Olhoft introduced—

S.F. No. 590: A bill for an act relating to taxation; income tax; excise tax;

altering the rate of tax on corporations; amending Minnesota Statutes 1980, Sections 290.06, Subdivision 1; and 290.361, Subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Hanson; Setzepfandt; Peterson, C.C.; Olhoft and Nichols introduced—

S.F. No. 591: A bill for an act relating to taxation; providing for the taxation of gain on the sale of real property by a nonresident alien; requiring reporting of certain transactions; amending Minnesota Statutes 1980, Sections 290.01, Subdivision 20; and 290.41, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Purfeerst, Ashbach, Dahl, Dicklich and Solon introduced—

S.F. No. 592: A bill for an act relating to retirement; increasing the minimum period of service required to qualify for a legislator retirement allowance; amending Minnesota Statutes 1980, Section 3A.02, Subdivision 1.

Referred to the Committee on Public Employees and Pensions.

Messrs. Frank, Rued and Knutson introduced—

S.F. No. 593: A bill for an act relating to cooperatives; procedure for elections by members or shareholders of cooperative electric associations on public utilities commission regulation; amending Minnesota Statutes 1980, Section 216B.02, Subdivision 4; proposing new law coded in Minnesota Statutes, Chapter 216B.

Referred to the Committee on Commerce.

Messrs. Ramstad, Schmitz, Taylor, Waldorf and Sieloff introduced—

S.F. No. 594: A bill for an act relating to the military; expanding the authorized uses of the military land fund to include reseeding and tree spraying on military lands and to acquire services for the morale of troops serving at Camp Ripley; amending Minnesota Statutes 1980, Section 190.25, Subdivision 3.

Referred to the Committee on General Legislation and Administrative Rules.

Messrs. Hanson, Nelson, Ms. Berglin, Messrs. Spear and Nichols introduced—

S.F. No. 595: A bill for an act relating to education; providing for the preparation of a report by the legislative commission on employee relations analyzing current insurance programs available to teachers and other public school employees in Minnesota; amending Minnesota Statutes 1980, Section 3.855, Subdivision 3.

Referred to the Committee on Public Employees and Pensions.

Messrs. Purfeerst, Setzepfandt and Engler introduced—

S.F. No. 596: A bill for an act relating to agriculture; regulating fertilizers

and soil and plant amendments; providing a penalty; amending Minnesota Statutes 1980, Sections 17.711; 17.713; 17.714; 17.716, by adding subdivisions; 17.717, Subdivisions 4, 5 and by adding a subdivision; 17.718, Subdivision 1; 17.719; 17.72; 17.721; 17.722; 17.723; 17.725; 17.726; 17.727; 17.728, Subdivision 1; 17.729; repealing Minnesota Statutes 1980, Section 17.717, Subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Kroening and Waldorf introduced—

S.F. No. 597: A bill for an act relating to taxation; income tax; providing a credit for energy conservation expenditures; amending Minnesota Statutes 1980, Section 290.06, Subdivision 14.

Referred to the Committee on Energy and Housing.

Messrs. Schmitz, Sikorski, Engler, Purfeerst and Renneke introduced—

S.F. No. 598: A bill for an act relating to transportation; permitting establishment of toll bridges on county highways and county state aid highways; authorizing the issuance of bonds to finance their cost; proposing new law coded in Minnesota Statutes, Chapter 165.

Referred to the Committee on Transportation.

Messrs. Schmitz, Purfeerst, Menning, Chmielewski and Belanger introduced—

S.F. No. 599: A bill for an act relating to motor vehicles; increasing the period of time for which number plates may be issued for certain vehicles and adjusting the tax accordingly; providing for the issuance of single dealer plates; amending Minnesota Statutes 1980, Sections 168.013, Subdivisions 1c and 1e; 168.12, Subdivisions 1 and 2a; 168.27, Subdivisions 16 and 17; 169.79, and 297B.035, Subdivision 2.

Referred to the Committee on Transportation.

Messrs. Menning, Lessard, Chmielewski and Bernhagen introduced—

S.F. No. 600: A bill for an act proposing an amendment to the Minnesota Constitution, Article I, adding a section to provide that the right to possess and use arms shall not be abridged.

Referred to the Committee on Judiciary.

Messrs. Knutson and Schmitz introduced—

S.F. No. 601: A bill for an act relating to Independent School District No. 191; allowing proceeds from the sale of school buildings or real property to be placed in the capital expenditure fund.

Referred to the Committee on Education.

Messrs. Knutson and Engler introduced—

S.F. No. 602: A bill for an act relating to intoxicating liquor; correcting the wording of the ballot question for a municipal liquor store referendum;

amending Minnesota Statutes 1980, Section 340.353, Subdivision 2.

Referred to the Committee on Commerce.

Mr. Frank, Mrs. Stokowski, Messrs. Davies, Rued and Bang introduced—

S.F. No. 603: A bill for an act relating to insurance; providing for the payment of certain expenses incurred in prosecuting a claim; proposing new law coded in Minnesota Statutes, Chapter 60A.

Referred to the Committee on Commerce.

Mr. Sikorski introduced—

S.F. No. 604: A bill for an act relating to local government; requiring elections to approve annexations of territory of certain towns; proposing new law coded in Minnesota Statutes, Chapter 414.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Peterson, C.C.; Chmielewski; Setzepfandt; Merriam and Sieloff introduced—

S.F. No. 605: A bill for an act relating to taxation; income; providing a carryforward of the charitable contributions credit; amending Minnesota Statutes 1980, Section 290.21, Subdivision 3.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Peterson, C.C.; Langseth; Setzepfandt and Nichols introduced—

S.F. No. 606: A bill for an act relating to gravel taxation; providing definitions; allowing distribution to cities; extending the time for payment; amending Minnesota Statutes 1980, Section 298.75.

Referred to the Committee on Taxes and Tax Laws.

Mrs. Kronebusch, Ms. Berglin, Mmes. Stokowski, Lantry and Brataas introduced—

S.F. No. 607: A bill for an act relating to taxation; exempting feminine hygiene products from the sales and use tax; amending Minnesota Statutes 1980, Section 297A.25, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Pehler introduced—

S.F. No. 608: A bill for an act relating to motor vehicles; providing for the taxation and registration of certain collector's vehicles; including additional vehicles entitled to classic car license plates; increasing the tax thereon; amending Minnesota Statutes 1980, Section 168.10, Subdivision 1b.

Referred to the Committee on Transportation.

Mr. Ulland introduced—

S.F. No. 609: A bill for an act relating to taxation; extending the availability of IRRRB and taconite area environmental protection funds to areas within counties containing municipalities defined as taconite relief areas; amending

Minnesota Statutes 1980, Sections 298.223; and 298.28, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Davies introduced—

S.F. No. 610: A bill for an act relating to the legislature; proposing an amendment to Article IV, Section 23 of the Minnesota Constitution; extending the ordinary period for the governor to consider vetoing a bill; providing for a "veto session" of the legislature at which it may consider overriding a governor's veto of a bill returned after the legislature's adjournment; and to otherwise simplify the veto process.

Referred to the Committee on Rules and Administration.

Mr. Davies introduced—

S.F. No. 611: A bill for an act relating to motor vehicles; requiring certain owners of motorcycles to furnish evidence of security under the Minnesota no-fault automobile insurance act; amending Minnesota Statutes 1980, Section 65B.68, Subdivision 2.

Referred to the Committee on Commerce.

Messrs. Davies, Tennessen and Peterson, R.W. introduced—

S.F. No. 612: A bill for an act relating to insurance; prohibiting the inclusion of household or family exclusions in homeowners insurance policies; proposing new law coded in Minnesota Statutes, Chapter 60A.

Referred to the Committee on Commerce.

Mr. Davies introduced—

S.F. No. 613: A bill for an act relating to attachment; prescribing the grounds when a writ of attachment may be issued for purposes of securing property or acquiring quasi in rem jurisdiction over defendants; amending Minnesota Statutes 1980, Section 570.02.

Referred to the Committee on Judiciary.

Mr. Davies introduced—

S.F. No. 614: A bill for an act relating to the state register; specifying the contents and requiring various matters of public interest to be published in the state register; amending Minnesota Statutes 1980, Sections 3.21; 15.0412, Subdivision 6; 15.051, Subdivision 1; and by adding a subdivision; 16.07, Subdivision 2; 16A.67, Subdivision 4; 41.56, Subdivision 4; 60A.08, Subdivision 7; 85.021, Subdivision 2; 85A.03, Subdivision 4a; 90.101, Subdivision 2; 92.14; 93.16; 94.10, Subdivision 2; 97.48, Subdivision 11; 155.17; 161.23, Subdivision 2; 161.44, Subdivision 6; 167.50, Subdivision 2; 241.09, Subdivision 2; 299C.07; 340.63, Subdivision 2; 345.47, Subdivision 2; 360.302, Subdivision 2; and 370.07.

Referred to the Committee on Judiciary.

Messrs. Keefe, Hughes, Merriam and Bernhagen introduced—

S.F. No. 615: A bill for an act relating to education; school districts; autho-

rizing districts to make additional levies for the installation of energy conserving devices; amending Minnesota Statutes 1980, Section 275.125, by adding a subdivision.

Referred to the Committee on Energy and Housing.

Messrs. Rued; Peterson, D.L.; Engler; Knutson and Bernhagen introduced—

S.F. No. 616: A bill for an act relating to education; increasing certain state aids; establishing the foundation allowance and the basic maintenance mill rate for the 1982-1983 school year; reducing the percent of aids paid in certain fiscal years and increasing the percent of aids paid in October; providing funds for 12 districts to purchase and operate mobile units; providing for development of chemical use programs; authorizing the state board to use funds appropriated for post-secondary vocational instructional aid for new programs; providing that the quarterly tuition at a post-secondary vocational technical school shall be set by the state board for vocational education rather than by statute; exempting the state board from the rulemaking requirements of chapter 15 when it sets the tuition; providing for suspension of penalty in 1981 when districts levy less than the maximum allowable basic maintenance levy; appropriating money; amending Minnesota Statutes 1980, Sections 123.705; 124.01, Subdivisions 2 and 3; 124.11, Subdivisions 1 and 2a, and by adding a subdivision; 124.212, by adding a subdivision; 124.225, Subdivision 11; 124.247, Subdivision 3; 124.26, Subdivisions 3 and 4; 124.32, Subdivision 9; 124.565, Subdivisions 3, 4 and 6; 124.566; 124.572, Subdivision 8; 124.573, Subdivision 5; 124.646, Subdivision 1; 275.125, Subdivision 2a; and proposing new law coded in Minnesota Statutes, Chapter 124.

Referred to the Committee on Education.

Messrs. Sieloff, Frederick, Ashbach, Bernhagen and Rued introduced—

S.F. No. 617: A bill for an act relating to taxation; changing interest rates on delinquent taxes; rescheduling certain payments to local governments; changing definition of claimant for property tax refund and offsetting credit based on amount of medical assistance; providing for declaration and estimated payments of gross earnings tax; allowing deduction of federal taxes on the accrual basis; repealing distribution of estate taxes to counties; amending Minnesota Statutes 1980, Sections 270.75; 273.13, Subdivision 15a; 273.136, Subdivision 3; 290.01, Subdivisions 20 and 23; 290.09, Subdivision 4; 290.10; 290.18, Subdivision 2; 290A.03, Subdivision 8; 290A.04, by adding a subdivision; 290A.07, Subdivision 2; 477A.01, Subdivision 4b; and 477A.13; proposing new law coded in Minnesota Statutes, Chapter 295; repealing Minnesota Statutes 1980, Section 291.33.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Knutson, Ashbach, Rued and Mrs. Brataas introduced—

S.F. No. 618: A bill for an act relating to public welfare; establishing a task force to study publicly funded health care programs; modifying the payment responsibility for costs of care for mentally retarded persons in state institutions; changing resource limits for recipients of aid to families with dependent children; prorating the first month's grant; reducing the scope of services provided under the medical assistance program; limiting payments to vendors;

eliminating certain income disregards; restricting eligibility for general assistance to persons who are injured, ill, or incapacitated; redefining the term "income" for purposes of determining eligibility for general assistance; limiting general assistance medical care to emergency situations; allowing the commissioner of public welfare to adjust eligibility and payment standards under certain circumstances; limiting emergency general assistance to fuel aid; setting a limit on the personal needs allowance for general assistance; providing for vendor payments; eliminating general assistance based on residence in a shelter facility; eliminating the catastrophic health expense protection program; providing a penalty; amending Minnesota Statutes 1980, Sections 245.0313; 256.73, Subdivision 2; 256.76, Subdivision 1; 256B.02, Subdivision 8; 256B.03; 256B.06, Subdivision 1; 256D.01, Subdivision 1; 256D.02, Subdivisions 4 and 8; 256D.03, Subdivisions 2 and 3, and by adding a subdivision; 256D.04; 256D.05, Subdivisions 1, 2, and 4, and by adding a subdivision; 256D.06, Subdivisions 1, 2, and 3, and by adding a subdivision; 256D.07; 256D.09; 256D.14; and 261.23; repealing Minnesota Statutes 1980, Sections 62E.51 to 62E.55; 256D.02, Subdivisions 9, 10, and 13; 256D.05, Subdivision 3; and 256D.11.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Schmitz and Kroening introduced—

S.F. No. 619: A bill for an act relating to retirement; directing recalculation of certain annuities and benefits paid by the public employees retirement association; appropriating funds.

Referred to the Committee on Public Employees and Pensions.

Mr. Peterson, C.C. introduced—

S.F. No. 620: A bill for an act relating to economic development; extending the date on which the report of the conference on small business is due; extending the life of certain appropriations; amending Laws 1980, Chapter 613, Sections 4 and 5.

Referred to the Committee on Employment.

Mr. Peterson, C.C. introduced—

S.F. No. 621: A bill for an act relating to commerce; allowing the manufacture, sale, and shipment of gambling devices for use in other states; amending Minnesota Statutes 1980, Sections 349.31, Subdivision 1; 609.75, Subdivision 1; 609.76; proposing new law coded in Minnesota Statutes, Chapter 349.

Referred to the Committee on Commerce.

Mr. Merriam introduced—

S.F. No. 622: A bill for an act relating to taxation; imposing the sales tax on sales of building materials purchased for use in another state; amending Minnesota Statutes 1980, Section 297A.25, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Merriam introduced—

S.F. No. 623: A bill for an act relating to taxation; sales and use tax;

exempting meals and lodging furnished to jurors; amending Minnesota Statutes 1980, Section 297A.25, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Knoll; Peterson, R.W.; Tennessen; Spear and Ramstad introduced—

S.F. No. 624: A bill for an act relating to marriage dissolution; providing for a child support enforcement service charge to obligors; amending Minnesota Statutes 1980, Section 518.551.

Referred to the Committee on Judiciary.

Messrs. Hanson, Keefe, Davies and Knoll introduced—

S.F. No. 625: A bill for an act relating to landlords and tenants; permitting certain actions in unlawful detainer to be done by nonattorneys; amending Minnesota Statutes 1980, Section 481.02, Subdivision 3.

Referred to the Committee on Judiciary.

Messrs. Renneke and Bernhagen, by request, introduced—

S.F. No. 626: A bill for an act relating to McLeod county; providing for a special election to fill a vacancy in the office of county auditor.

Referred to the Committee on Local Government and Urban Affairs.

Ms. Berglin, Mr. Petty and Mrs. Kronebusch introduced—

S.F. No. 627: A bill for an act relating to energy; confidentiality of certain energy data; powers and duties of Minnesota energy agency; subdivision regulations; providing for certain inspections; extending biomass plan deadline; amending Minnesota Statutes 1980, Sections 116H.07; 116H.08; 116H.129, Subdivision 4; 116H.19, Subdivision 1; 462.358, Subdivision 2a; proposing new law coded in Minnesota Statutes, Chapter 15.

Referred to the Committee on Energy and Housing.

Messrs. Dieterich, Dicklich and Vega introduced—

S.F. No. 628: A bill for an act relating to labor; overtime; changing the maximum workweek; amending Minnesota Statutes 1980, Section 177.25, Subdivision 1.

Referred to the Committee on Employment.

Mr. Dieterich introduced—

S.F. No. 629: A bill for an act relating to the city of St. Paul; repealing the people mover act; repealing Minnesota Statutes 1980, Chapter 458B.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Pehler and Frederick introduced—

S.F. No. 630: A bill for an act relating to taxation; amending the definition of redevelopment district in the Minnesota tax increment financing act; amending Minnesota Statutes 1980, Section 273.73, Subdivision 10.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Davies, Pehler, Merriam and Olhoft introduced—

S.F. No. 631: A bill for an act relating to tax increment financing; clarifying the definition of administrative expenses; amending Minnesota Statutes 1980, Section 273.73, Subdivision 13.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Davies, Merriam and Olhoft introduced—

S.F. No. 632: A bill for an act relating to financial institutions; providing for approval of bank charters, detached facilities, and the acquisition and holding of real estate after satisfaction of additional condition; amending Minnesota Statutes 1980, Sections 45.07; 47.10; and 47.54, Subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Davies, Merriam and Olhoft introduced—

S.F. No. 633: A bill for an act relating to taxation; tax increment financing; clarifying certain definitions to exclude vacant lands; amending Minnesota Statutes 1980, Section 273.73, Subdivisions 10, 11, and 12.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Johnson, Dieterich, Nichols and Davies introduced—

S.F. No. 634: A bill for an act relating to taxation; prohibiting use of tax increment proceeds for construction of certain roads; amending Minnesota Statutes 1980, Section 273.75, Subdivision 4.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Hanson, Davies and Olhoft introduced—

S.F. No. 635: A bill for an act relating to taxation; imposing certain requirements and restrictions on the use of tax increment financing; amending Minnesota Statutes 1980, Sections 273.73, Subdivision 10; 273.74, Subdivisions 1, 2, 3, and 4, and by adding a subdivision; 273.75, Subdivisions 4 and 6, and by adding subdivisions; proposing new law coded in Minnesota Statutes, Chapter 273; repealing Minnesota Statutes 1980, Section 273.76, Subdivision 4.

Referred to the Committee on Taxes and Tax Laws.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Monday, March 9, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TWENTY-FIRST DAY

St. Paul, Minnesota, Monday, March 9, 1981

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

Prayer was offered by the Chaplain, Rev. Edward Flahavan.

The Roll Call was dispensed with.

The President declared a quorum present.

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

Tributes to the late Senator Nicholas D. Coleman were offered by Minority Leader Robert O. Ashbach; Senators Franklin J. Knoll; Gerry Sikorski; Jerome M. Hughes; George S. Pillsbury; Marv Hanson; Linda Berglin; Clarence M. Purfeerst and Majority Leader Roger D. Moe.

MOTIONS AND RESOLUTIONS

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Thursday, March 12, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TWENTY-SECOND DAY

St. Paul, Minnesota, Thursday, March 12, 1981

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

Prayer was offered by the Chaplain, Rev. Allan O. Nelson.

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

Ashbach	Dieterich	Langseth	Peterson, C.C.	Spear
Bang	Engler	Lantry	Peterson, D.L.	Stern
Belanger	Frank	Lessard	Peterson, R.W.	Stokowski
Benson	Frederick	Lindgren	Petty	Stumpf
Berg	Frederickson	Luther	Pillsbury	Taylor
Berglin	Hanson	Menning	Purfeerst	Tennessen
Bernhagen	Hughes	Merriam	Ramstad	Ulland
Bertram	Humphrey	Moe, D.M.	Renneke	Vega
Brataas	Johnson	Moe, R.D.	Rued	Waldorf
Chmielewski	Keefe	Nelson	Schmitz	Wegener
Dahl	Knoll	Nichols	Setzepfandt	Willet
Davies	Knutson	Olhoft	Sieloff	
Davis	Kroening	Pehler	Sikorski	
Dicklich	Kronebusch	Penny	Solon	

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

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

June 25, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment as Chairperson of the Waste Management Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Robert G. Dunn, 708 Fourth Street South, Princeton, Mille Lacs County, has been appointed by me, effective July 1, 1980, for a term expiring June 30, 1984.

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

February 5, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

The following appointments to the State University Board are hereby respectfully submitted to the Senate for confirmation as required by law:

Dale A. Johnson, 695 Wildwood Place, Owatonna, Steele County, has been appointed by me, effective February 5, 1981, for a term expiring the first Monday in January, 1984.

Arnold C. Anderson, 1308 Ridgeview Drive, P.O. 512, Montevideo, Chippewa County, has been appointed by me, effective February 5, 1981, for a term expiring the first Monday in January, 1985.

Lee J. Krueger, 10044 Nicollet Avenue South, #106, Bloomington, Hennepin County, has been appointed by me, effective February 5, 1981, for a term expiring the first Monday in January, 1983.

John W. Borg, 5509 Columbus Avenue South, Minneapolis, Hennepin County, has been appointed by me, effective February 5, 1981, for a term expiring the first Monday in January, 1984.

Rodney N. Searle, R.R. #1, Box 44, Waseca, Waseca County, has been appointed by me, effective February 5, 1981, for a term expiring the first Monday in January, 1985.

Bernard A. Miller, R.R. #2, Box 264M, Bemidji, Beltrami County, has been appointed by me, effective February 5, 1981, for a term expiring the first Monday in January, 1982.

Elizabeth A. Pegues, 27 Nord Circle Road, North Oaks, Ramsey County, has been appointed by me, effective February 5, 1981, for a term expiring the first Monday in January, 1982.

(Referred to the Committee on Education.)

February 20, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

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

Rochelle Barnhart, 3322 Clinton Avenue South, Minneapolis, Hennepin County, has been appointed by me, effective February 20, 1981, for a term expiring the first Monday in January, 1985.

John R. Stone, 608 East Minnesota, Glenwood, Pope County, has been appointed by me, effective February 20, 1981, for a term expiring the first Monday in January, 1985.

(Referred to the Committee on Commerce.)

February 20, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

The following appointment to the State Designer Selection Board is hereby respectfully submitted to the Senate for confirmation as required by law:

John D. Nagel, 4127 York Avenue South, Minneapolis, Hennepin County, has been appointed by me, effective February 20, 1981, for a term expiring the first Monday in January, 1985.

(Referred to the Committee on Governmental Operations.)

February 25, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

The following appointment to the Tax Court is hereby respectfully submitted to the Senate for confirmation as required by law:

Carl A. Jensen, 209 First Avenue South, Sleepy Eye, Brown County, has been appointed by me, effective February 2, 1981, for a term expiring the first Monday in January, 1987.

(Referred to the Committee on Taxes and Tax Laws.)

Sincerely,

Albert H. Quie, Governor

March 11, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S. F. No. 102.

Sincerely yours,

Albert H. Quie, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S. F. Nos. 92 and 144.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 5, 1981

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 13, 79, 167, 276, 357 and 483.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 5, 1981

FIRST READING OF HOUSE BILLS

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

H. F. No. 13: A bill for an act relating to criminal procedure; providing officers of the United States customs service and the immigration and naturalization service with the arrest powers of peace officers; amending Minnesota Statutes 1980, Sections 629.30; and 629.34.

Referred to the Committee on Judiciary.

H. F. No. 79: A bill for an act relating to commerce; providing for the regulation and licensing of precious metal dealers; establishing identification procedures and recording requirements; prohibiting certain transactions; providing for criminal and civil penalties; providing remedies; amending Minnesota Statutes 1980, Section 609.53, Subdivision 4, and by adding subdivisions; proposing new law coded in Minnesota Statutes, Chapter 325F.

Referred to the Committee on Commerce.

H. F. No. 167: A bill for an act relating to cable communications; providing for resolution of certain pole attachment disputes; amending Minnesota Statutes 1980, Section 238.02, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 238.

Referred to the Committee on Commerce.

H. F. No. 276: A bill for an act relating to juveniles; prescribing the elements of a prima facie case for referring a child to adult court for criminal prosecution; amending Minnesota Statutes 1980, Section 260.125, Subdivision 3.

Referred to the Committee on Judiciary.

H. F. No. 357: A bill for an act relating to highway traffic regulation; authorizing and regulating the use of strobe lamps on school buses; correcting the applicability provision of a school bus law; authorizing and regulating flashing signals or school bus stop signal arms; imposing standards for the signal arms; restricting the meaning of "type three school bus"; prohibiting a type three school bus from being equipped and identified as certain other school buses; amending Minnesota Statutes 1980, Sections 169.44, Subdivisions 3 and 10, and by adding subdivisions; 169.64, by adding a subdivision.

Referred to the Committee on Transportation.

H. F. No. 483: A bill for an act relating to Ramsey county, providing for the administration of the soldiers' rest; amending Laws 1974, Chapter 435, Section 1.0212.

Referred to the Committee on Local Government and Urban Affairs.

REPORTS OF COMMITTEES

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

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

S. F. No. 264: A bill for an act relating to human rights; providing that certain statutes be equally applicable to all persons regardless of sex, including statutes related to the health department, suits for seduction, garnishment actions, and probate proceedings; providing for a penalty; amending Minnesota Statutes 1980, Sections 144.06; 242.47; 246.53; 510.06; 525.05; 525.082; 540.07; 540.08; 540.09; 550.37, Subdivision 10; and 576.08.

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 1980, Section 46.09, Subdivision 1, is amended to read:

Subdivision 1. No person who is a bank examiner or other officer or employee of the division of banking shall be interested, either directly or indirectly, as a stockholder, director, officer, trustee, assignee, employee, or otherwise, in any bank, savings bank, trust company, financial institution, or corporation holding the stock of any such corporation within this state, or which carries on a banking business within this state, either directly or indirectly, or through an affiliated group or chain bank operating within this state. If the ~~wife~~ *spouse*, or any other member of the household of a bank examiner, or other officer or employee, shall be so interested, it shall be conclusively presumed that the bank examiner, or other officer or employee, is indirectly interested in the corporation within the meaning of this section; but the meaning of the words "directly or indirectly" is not otherwise qualified. The provisions of this section shall not apply to the commissioner of banks.

Sec. 2. Minnesota Statutes 1980, Section 144.06, is amended to read:

144.06 [STATE COMMISSIONER OF HEALTH TO PROVIDE INSTRUCTION.]

The state commissioner of health, hereinafter referred to as the commissioner, is hereby authorized to provide instruction and advice to expectant mothers *and fathers* during pregnancy ~~and confinement~~ and to mothers, *fathers*, and their infants after childbirth; and to employ such persons as may be necessary to carry out the requirements of sections 144.06 and 144.07. ~~Such~~ *The* instruction, advice, and care shall be given only to applicants residing within the state. No ~~woman~~ *person* receiving aid under sections 144.06, 144.07, and 144.09 shall for this reason be affected thereby in any civil or political rights, nor shall ~~her~~ *the person's* identity be disclosed except upon written order of the commissioner.

Sec. 3. Minnesota Statutes 1980, Section 181.07, is amended to read:

181.07 [ASSIGNMENT OF UNEARNED WAGES AS SECURITY.]

No assignment of or order for wages to be earned in the future to secure a loan of less than $200 shall be valid against an employer of the person making the assignment or order until the assignment or order is accepted in writing by the employer and the assignment or order and the acceptance of the same have been filed and recorded with the clerk of the city or town where the party making the assignment or order resides, if a resident of this state, or in which ~~he~~ *the person* is employed if ~~not such resident~~ *the person is a nonresident*. No ~~such~~ assignment of or order for wages to be earned in the future shall be valid when made by a married ~~man~~ *person* unless the written consent of ~~his wife~~ *the person's spouse* to the making of ~~such~~ *the* assignment or order is attached

thereto.

Sec. 4. Minnesota Statutes 1980, Section 242.47, is amended to read:

242.47 [INTERFERENCE WITH INMATES.]

Every person who shall abduct, conceal, entice, carry away, or improperly interfere with, any *juvenile* inmate of ~~the~~ *a* Minnesota correctional facility ~~Red Wing~~ shall be guilty of a misdemeanor.

Sec. 5. Minnesota Statutes 1980, Section 246.53, is amended to read:

246.53 [CLAIM AGAINST ESTATE OF DECEASED PATIENT.]

Upon the death of a patient, or a former patient, the total cost of care given ~~him~~ *to that patient*, less the amount actually paid toward the cost of ~~such~~ *the* care by the patient and ~~his~~ *the patient's* relatives, shall be filed by the commissioner as a claim against the estate of ~~such~~ *the* patient with the court having jurisdiction to probate the estate and all proceeds collected by the state in ~~such~~ *the* case shall be divided between the state and county in proportion to the cost of care each has borne. If the commissioner of public welfare shall determine that the property or estate of any ~~such~~ patient is not *sufficient* to ~~more than~~ care for and maintain the ~~wife~~ *spouse* and minor or dependent children of ~~such~~ *the* deceased patient, he shall have the power to compromise the claim of the state in ~~such~~ *a* manner as he, in his judgment and upon investigation, may deem just and proper. Any statute of limitations which limits the commissioner in recovering the cost of care obligation incurred by a patient or former patient shall not apply to any claim against an estate made hereunder to recover cost of care.

Sec. 6. Minnesota Statutes 1980, Section 256.85, is amended to read:

256.85 [LIBERAL CONSTRUCTION.]

Sections 256.72 to 256.87 shall be liberally construed with a view to accomplishing their purpose, which is ~~hereby~~ declared to be to enable the state and its several counties to cooperate with responsible ~~mothers or relatives~~ *primary caretakers of children* in rearing future citizens, when ~~such~~ *the* cooperation is necessary on account of relatively permanent conditions, in order to keep the family together in the same household, reasonably safeguard the health of the ~~mother~~ *children's primary caretaker* and secure to the children during their tender years ~~her~~ personal care and training.

Sec. 7. Minnesota Statutes 1980, Section 290.28, Subdivision 3, is amended to read:

Subd. 3. [INCOME OF AN ESTATE OR TRUST IN CASE OF DIVORCE.] (1) There shall be included in the gross income of a ~~wife~~ *person* who is divorced or legally separated under a decree of divorce or of legal separation (or who is separated ~~from her husband under~~ *pursuant to* a written separation agreement) the amount of the income of any trust which ~~such wife~~ *the person* is entitled to receive and which, except for this subdivision, would be includible in the gross income of ~~her husband~~ *the person's spouse*, and ~~such~~ *the* amount shall not, despite any other provision of this chapter, be includible in the gross income of ~~such husband~~ *the spouse*. This paragraph shall not apply to that part of any ~~such~~ income of the trust which the terms of the decree, written separation agreement, or trust instrument fix, in terms of an amount of money or a portion of ~~such~~ *the* income, as a sum which is payable for the support of minor children of ~~such husband~~ *the spouse*. In case ~~such~~ *the* income is less than the amount specified in the decree, agreement, or instrument, for the purpose of

applying the preceding sentence, ~~such~~ *the* income, to the extent of ~~such~~ *the* sum payable for ~~such~~ support, shall be considered a payment for ~~such~~ support.

(2) For purposes of computing the taxable income of the estate or trust and the taxable income of a ~~wife~~ *person* to whom paragraph (1) applies, ~~such wife~~ *the person* shall be considered as the beneficiary specified in sections 290.22 to 290.28. A periodic payment of maintenance, to any portion of which sections 290.22 to 290.28 applies, shall be included in the gross income of the beneficiary in the taxable year in which under sections 290.22 to 290.28 ~~such~~ *the* portion is required to be included.

Sec. 8. Minnesota Statutes 1980, Section 490.102, Subdivision 6, is amended to read:

Subd. 6. The ~~widow~~ *spouse* of every judge of the district or supreme court who dies, in active service, shall be paid one-half of the retirement compensation to which ~~such~~ *the* judge would have been entitled on the date of ~~his~~ death, if ~~he~~ *the judge* would have been otherwise eligible for retirement under the provisions of section 490.101 or under section 490.025, and had retired on that date, irrespective of whether ~~he shall have~~ *the judge* attained the age of retirement at the date of ~~his~~ death or not and irrespective of whether ~~he~~ *the judge* had served 15 years as ~~such~~ *district* judge or as a judge of a court of record, and irrespective of whether ~~he~~ *the judge* had previously been eligible to retire, but had not retired under the provisions of section 490.101, prior to ~~his~~ death, provided ~~she~~ *the spouse* had been married to ~~such~~ *the* judge for three years prior to ~~his~~ *the judge's* death. The ~~widow~~ *spouse* of every judge of the district court or supreme court who dies after retiring shall be paid one-half of the retirement compensation which ~~such~~ *the* judge was receiving at the date of ~~his~~ death.

Any judge who has heretofore retired and exercised the option previously set forth in section 490.102, shall, after July 1, 1961, be paid the full retirement compensation herein provided for, and ~~his widow~~ *the judge's spouse* shall upon ~~his~~ *the judge's* death be entitled to compensation as herein set forth.

The term ~~"widow"~~ *"spouse"* as used in this subdivision means the surviving ~~wife~~ *spouse* of a district or supreme court judge, but only if ~~she~~ *the spouse* was married to ~~him~~ *the judge* for a period of not less than three years immediately prior to the date of ~~his~~ *the judge's* retirement or ~~of his~~ death, whichever occurs first.

If ~~such widow~~ *the spouse*, either of a retired judge or a judge who dies in active service, who is otherwise qualified under this section, has not attained the age of 40 years at the time of ~~such~~ *the* judge's death, ~~such widow~~ *the spouse* will not become eligible for retirement compensation payments hereunder until ~~her~~ *the spouse's* 40th birthday but shall receive ~~such~~ *the* payments thereafter.

A ~~widow~~ *spouse* who is entitled to a retirement compensation under the provisions of this subdivision and subdivision 7 shall be paid ~~such~~ *the* retirement compensation for the period of ~~her~~ *the spouse's* life, unless ~~she~~ *the spouse* remarries, in which event ~~such~~ *the* retirement compensation is to cease and terminate. ~~Every judge~~ *All judges* of the district court and ~~every judge~~ of the supreme court shall contribute four percent of ~~his~~ *their* state ~~salary~~ *salaries*, which amount shall be deducted from ~~his salary~~ *their salaries* at least once each month and paid to the state treasurer to be deposited in a special survivor retirement account. This contribution shall be for the purpose of providing the survivor benefits established by this subdivision and subdivision 7 and such amount as may be necessary to carry out this purpose is hereby appropriated

from ~~such~~ *the* special retirement account. It is declared to be the policy of the legislature that the survivor benefits provided for herein shall be wholly paid from contributions by the judges to ~~said~~ *the* special retirement account. To implement this policy the rate of contribution by the judges shall be reviewed periodically and contributions adjusted to make this account sufficient to cover all benefits.

Sec. 9. Minnesota Statutes 1980, Section 490.102, Subdivision 7, is amended to read:

Subd. 7. In addition to the provisions of Minnesota Statutes 1961, Section 490.102, Subdivisions 1 to 6, inclusive, and notwithstanding the limitations thereof, the ~~widow~~ *surviving spouse* of every judge of the district or supreme court who died in active service prior to May 19, 1961, who had been married to ~~such~~ *the* judge for five years prior to ~~his~~ *the judge's* death and who has now attained the age of 49 years, shall be paid during ~~her~~ *the spouse's* life one-half of the retirement compensation to which ~~such~~ *the* judge would have been entitled, if ~~he~~ *the judge* had been retired as of date of death. For the purposes of this subdivision, the ~~said~~ judge shall be deemed to have been entitled to full retirement and to have retired as of the day of ~~his~~ death. If retirement of a district judge from active service was by executive order prior to enactment of Laws 1949, Chapter 640, ~~his~~ *the judge's* unremarried ~~widow~~ *surviving spouse* who would otherwise qualify under this section will receive one-half of the compensation ~~such~~ *the* judge would have received if ~~his~~ *the judge's* retirement occurred in 1949 after enactment of that law and ~~he~~ *the judge* was eligible for compensation thereunder.

Sec. 10. Minnesota Statutes 1980, Section 510.06, is amended to read:

510.06 [EXEMPTION NOT LOST BY DEATH OR DESERTION.]

If the owner ~~shall die~~ *dies* leaving a spouse or minor children constituting ~~his~~ *the owner's* family surviving, the homestead exemption shall not be affected by ~~such~~ *the* death. If ~~a husband~~ *the owner* shall abscond, or otherwise desert ~~his~~ *the* family, ~~his wife~~ *the spouse* and the minor children comprising ~~such~~ *the* family may retain the homestead, with all the rights of owners therein. They shall not have power to sell or mortgage ~~the same~~ *it*, except in cases expressly provided for by law.

Sec. 11. Minnesota Statutes 1980, Section 525.05, is amended to read:

525.05 [JUDGE OR REFEREE; GROUNDS FOR DISQUALIFICATION.]

The following shall be grounds for disqualification of any judge or referee from acting in any matter: (1) That ~~he or his wife~~ *the judge or the judge's spouse* or any of ~~his or her~~ *either person's* kin nearer than first cousin ~~shall be~~ *is* interested as representative, heir, devisee, legatee, ward, or creditor in the estate involved therein; (2) that it involves the validity or interpretation of a will drawn or witnessed by ~~him~~ *the judge*; (3) that ~~he~~ *the judge* may be a necessary witness in ~~such~~ *the* matter; (4) that it involves a property right in respect to which ~~he~~ *the judge* has been engaged or is engaged as an attorney ~~,~~ ; or (5) that ~~he~~ *the judge* was engaged in a joint enterprise for profit with the decedent at the time of death or that ~~he~~ *the judge* is then engaged in a joint enterprise for profit with any person interested in ~~such~~ *the* matter as representative, heir, devisee, legatee, ward, or creditor. When grounds for disqualification exist, the judge may, and upon proper petition of any person interested in the estate must, request the probate judge of another county or a probate judge who has retired as provided in section 490.12, subdivision 2, to act in his

stead in ~~such~~ *the* matter.

Sec. 12. Minnesota Statutes 1980, Section 525.082, is amended to read:

525.082 [JUDICIAL OFFICERS, INCREASE IN COMPENSATION.]

Notwithstanding any law to the contrary, or any provision of Laws 1971, Chapter 951, the salaries of all judges of probate as provided under section 525.081, subdivisions 1 and 2, who do not become county court judges, but who are eligible to serve out the balance of their term as judicial officers of the county district court as provided in Laws 1971, Chapter 951, shall be increased by 10 percent of the amount provided for and received by ~~said~~ *the* judge under the provisions of section 525.081, subdivisions 1 and 2, which salary shall be the salary for the balance of the term for which they are elected, and which salary shall determine any retirement and ~~widow's~~ *spouse's* survivorship to which the judge and ~~his wife~~ *the judge's spouse* may be entitled to under the laws pertaining thereto.

Sec. 13. Minnesota Statutes 1980, Section 540.07, is amended to read:

540.07 [PARENT OR GUARDIAN MAY SUE FOR SEDUCTION.]

A ~~father, or, in case of his death or desertion of his family, the mother,~~ *parent* may maintain an action for the seduction of the *son or* daughter, and the guardian *may maintain an action* for the seduction of the ward, though ~~such~~ *the son or* daughter or ward is not living with, or in the service of, the plaintiff at the time of the seduction or afterwards, and there is no loss of service.

Sec. 14. Minnesota Statutes 1980, Section 540.08, is amended to read:

540.08 [INJURY TO CHILD OR WARD; SUIT BY PARENT OR GUARDIAN.]

A ~~father~~ *parent* may maintain an action for the injury of ~~his~~ *a* minor ~~child~~ *son or daughter*. ~~When such father has deserted his family or is dead the mother of such minor child may maintain the action. When custody of the injured child has been granted to either parent by a court having jurisdiction, that parent may maintain the action.~~ A general guardian may maintain an action for ~~the~~ *an* injury ~~of his~~ *to the* ward. A guardian of a dependent, neglected, or delinquent child, appointed by a court having jurisdiction, may maintain an action for the injury of ~~such~~ *the* child. If no ~~such~~ action is brought by the father or mother, an action for the injury may be brought by a guardian ad litem, either before or after the death of ~~such~~ *the* parent. Before any ~~such~~ parent receives any property as a result of any such action, ~~he~~ *the parent* shall file ~~such~~ *a* bond as the court prescribes and approves as security therefor. In lieu of this bond, upon petition of the parent, the court may order that the property ~~so~~ received ~~shall~~ be invested in securities issued by the United States, which shall be deposited pursuant to the order of the court, or ~~such~~ *that the* property ~~shall~~ be invested in a savings account, savings certificate, or certificate of deposit, in a bank, savings and loan association, or trust company, subject to the order of the court. A copy of the court's order and the evidence of ~~such~~ *the* deposit shall be filed with the clerk of ~~such~~ *the* court. No settlement or compromise of any such action is valid unless it is approved by a judge of the court in which the action is pending.

Sec. 15. Minnesota Statutes 1980, Section 540.09, is amended to read:

540.09 [DESERTED ~~WIFE~~ *SPOUSE* MAY SUE AND DEFEND IN ~~HUSBAND'S~~ *ABSENT SPOUSE'S* NAME.]

When a husband *or wife* has deserted his *or her* family, the ~~wife~~ *deserted*

spouse may prosecute or defend, in ~~his~~ ~~name~~ *the name of the absent spouse*, any action which ~~he~~ *the absent spouse* might have prosecuted or defended, and shall have the same powers and rights therein as ~~he~~ *the absent spouse* might have had.

Sec. 16. Minnesota Statutes 1980, Section 558.28, is amended to read:

558.28 [~~WIFE~~ ~~MAY~~ RELEASE *OF CONTINGENT INTEREST.*]

~~A~~ Married ~~woman~~ *people* may release to ~~her~~ ~~husband~~ ~~her~~ *their spouse a* contingent interest in ~~his~~ real estate by *a* writing executed and acknowledged in the same manner as a conveyance, and, upon the filing of ~~such~~ *the* instrument with the clerk, the whole proceeds arising from ~~such~~ *the* sale shall be paid to the ~~husband~~ *spouse to whom the interest was released.* ~~Such~~ *The* release shall bar ~~her~~ *the releaser's* contingent interest in ~~such~~ *the* real estate.

Sec. 17. Minnesota Statutes 1980, Section 576.08, is amended to read:

576.08 [HEARING BY COURT; DISMISSAL OF PROCEEDING; APPOINTMENT AND BOND OF RECEIVER.]

The absentee, or any person who claims an interest in any of the property, may appear and show cause why the prayer of the petition should not be granted. The court may, after hearing, dismiss the petition and order the property in possession of the officer to be returned to the person entitled thereto, or it may appoint a receiver of the property which is in the possession of the officer and named in his schedule. If a receiver is appointed, the court shall find and record the date of the disappearance or absconding of the absentee; and ~~such~~ *the* receiver shall give a bond to the state in such sum and with such condition as the court orders, to be approved by the court. In the appointment of the receiver the court shall give preference to the ~~wife~~ *spouse* of the absentee, if ~~she~~ *the spouse* is competent and suitable.

Sec. 18. Minnesota Statutes 1980, Section 609.375, is amended to read:

609.375 [NON-SUPPORT OF ~~WIFE~~ *SPOUSE* OR CHILD.]

Subdivision 1. Whoever is legally obligated to provide care and support to ~~his~~ ~~wife~~ *a spouse* who is in necessitous circumstances, or ~~his~~ child, whether or not its custody has been granted to another, and knowingly omits and fails without lawful excuse to do so is guilty of non-support of ~~said~~ ~~wife~~ *the spouse* or child, as the case may be, and upon conviction thereof may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than $300.

Subd. 2. If the knowing omission and failure without lawful excuse to provide care and support to a *spouse, a* minor child, or a pregnant wife continues for a period in excess of 90 days ~~such~~ *the* person is guilty of a felony and may be sentenced to imprisonment for not more than five years.

Subd. 3. Upon conviction, the court may provide by order for the care and support of ~~such~~ *the* child or ~~wife~~ *spouse* for a period not to exceed five years, require bond or other security to the state to secure performance thereof, and suspend sentence or execution thereof, conditioned upon compliance with ~~such~~ *the* order.

Subd. 4. If, upon order to show cause duly made, the court finds that an order made pursuant to subdivision 3 has been violated, the suspension may be revoked and sentence imposed or executed, and the obligors of ~~such~~ *the* bond or security shall become liable pursuant to the terms thereof, and, with leave of

the court, the ~~wife~~ *spouse*, or child, or any public agency which furnished care or support to ~~such wife~~ *the spouse* or child while ~~such~~ *the* order for care and support was in force, may recover thereon.

Sec. 19. Minnesota Statutes 1980, Section 629.55, is amended to read:

629.55 [REFUSAL TO RECOGNIZE.]

~~Every witness~~ *Witnesses* required to recognize, with or without sureties, who ~~shall~~ refuse so to do, shall be committed by the magistrate until ~~he~~ *they* shall comply with ~~such~~ *the* order, or be otherwise discharged according to law. Every person held as a witness shall receive such compensation during confinement as the court before whom the case is pending shall direct, not exceeding regular witness fees. When a ~~married woman or a~~ minor shall be a material witness, any other person may recognize for the appearance of ~~such~~ *the* witness, or the magistrate may take recognizance of ~~such~~ *the* witness in a sum of not more than $50, which shall be valid and binding in law notwithstanding ~~such~~ *the* disability.

Sec. 20. Minnesota Statutes 1980, Section 631.09, is amended to read:

631.09 [JURY; HOW AND WHERE KEPT WHILE DELIBERATING; SEPARATE ACCOMMODATIONS FOR ~~WOMEN~~ JURORS.]

After hearing the charge the jury may either decide in court, or retire for deliberation, if it shall not agree without retiring, one or more officers shall be sworn to take charge of it, and it shall be kept together in some private and convenient place, without food or drink except water, unless otherwise ordered by the court, and no person shall be permitted to speak to or communicate with it or any one of its number unless by order of court, nor listen to the deliberations; and it shall be returned into court when agreed, or when so ordered by the court. In case of mixed juries counties shall provide adequate, separate quarters for ~~women~~ *male and female* jurors with proper accommodations and, in the event the county shall so fail to provide ~~such~~ *the* proper accommodations, the court shall order ~~such women~~ *the* jurors kept in a suitable hotel for the night.

This section shall apply only in cases where the jury has failed to agree."

Delete the title and insert:

"A bill for an act relating to human rights; providing that certain statutes be equally applicable to all persons regardless of sex, including statutes related to the health department, suits for seduction, garnishment actions, judicial pensions, and probate proceedings; providing for penalties; amending Minnesota Statutes 1980, Sections 46.09, Subdivision 1; 144.06; 181.07; 242.47; 246.53; 256.85; 290.28, Subdivision 3; 490.102, Subdivisions 6 and 7; 510.06; 525.05; 525.082; 540.07; 540.08; 540.09; 558.28; 576.08; 609.375; 629.55; and 631.09."

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

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

S. F. No. 345: A bill for an act relating to crimes; increasing the penalty for certain forms of cruelty to animals; amending Minnesota Statutes 1980, Section 346.29.

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

Page 1, line 13, strike "bear-baiting," and insert "*or*"

Page 1, line 14, after "one" insert "*domestic*"

Page 1, line 14, strike ", or"

Page 1, line 15, strike "any other similar cruelty to animals"

Page 1, line 17, strike the third comma and insert a semicolon

Page 1, line 18, after the stricken word "shall" insert "*(3)*"

Page 1, line 21, delete "*(3)*" and insert "*(4)*"

Page 2, line 2, strike "knowingly"

Page 2, line 3, after "admission" insert "*or otherwise gains admission*"

Page 2, line 4, delete "*or is*" and strike "present at"

Page 2, line 5, delete "*it*"

Page 2, after line 5, insert:

"Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment. The increased penalties provided in section 1 shall apply to all violations occurring on or after the effective date."

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

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

S. F. No. 329: A bill for an act relating to probate; providing that certain mobile homes are homesteads; amending Minnesota Statutes 1980, Section 525.145.

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

Page 1, delete lines 11 and 12 and insert "*including a mobile home which is the family residence,*"

Page 1, lines 14 and 20, strike "such" and insert "*the*"

Page 1, line 19, strike "his" and insert "*the spouse's*"

Page 2, line 7, strike "such" and insert "*the*"

Page 2, line 10, delete "*for estates of decedents dying*" and insert "*the day*"

Page 2, line 11, delete "*the date of*"

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

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

S. F. No. 182: A bill for an act relating to probate; increasing the surviving spouse's share of certain personal property; amending Minnesota Statutes 1980, Section 525.15.

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

Page 1, line 15, delete "*$4,000*" and insert "*$6,000*"

Page 1, line 16, delete "*$2,000*" and insert "*$3,000*"

Page 2, delete line 10 and insert "*July 31, 1981.*"

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

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

S. F. No. 454: A bill for an act relating to crimes; redefining criminal sexual conduct; amending Minnesota Statutes 1980, Sections 609.342; 609.343; and 609.345.

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

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 1980, Section 609.341, Subdivision 11, is amended to read:

Subd. 11. "Sexual contact" includes any of the following acts committed without the complainant's consent, if the acts can reasonably be construed as being for the purpose of satisfying the actor's sexual or aggressive impulses, except in those cases where consent is not a defense:

(i) The intentional touching by the actor of the complainant's intimate parts, or

(ii) The ~~coerced~~ touching by the complainant of the actor's, the complainant's, or another's intimate parts *effected by coercion or the use of a position of authority*, or

(iii) The ~~coerced~~ touching by another of the complainant's intimate parts *effected by coercion or the use of a position of authority*, or

(iv) In any of the cases above, of the clothing covering the immediate area of the intimate parts."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after "Sections" insert "609.341, Subdivision 11;"

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

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

S. F. No. 95: A bill for an act relating to public improvements; permitting deferral of special assessments in instances of hardship; amending Minnesota Statutes 1980, Section 435.193.

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

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

S. F. No. 375: A bill for an act relating to Hennepin county; providing for the administration of health care and related services of the county; providing for the administration of the duties and the appointment of the county medical

examiner; repealing Laws 1963, Chapter 738, as amended; and Laws 1963, Chapter 848, as amended.

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

Page 12, delete lines 3 to 6

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

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

S. F. No. 275: A bill for an act relating to counties; permitting escalation clauses or negotiated price changes in county contracts; clarifying advertising requirements; amending Minnesota Statutes 1980, Section 375.21, Subdivision 1.

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

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

S. F. No. 88: A bill for an act relating to the city of St. James; authorizing the issuance of revenue bonds for the acquisition and betterment of an airport facility.

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

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

S. F. No. 347: A bill for an act relating to Hennepin county; providing for the administration of the county library system; repealing Laws 1957, Chapter 788, as amended; and Extra Session Laws 1967, Chapter 24, as amended.

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

Mr. Olhoft from the Committee on General Legislation and Administrative Rules, to which was re-referred

S. F. No. 331: A bill for an act relating to the military; expanding the authorized uses of the military land fund to include reseeding and tree spraying on military lands and to acquire services for the morale of troops serving at Camp Ripley; amending Minnesota Statutes 1980, Section 190.25, Subdivision 3.

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

Page 1, line 22, delete "*tree reseeding and tree spraying*" and insert "*forest management*"

Page 1, line 23, after the semicolon, insert "*and*"

Page 1, line 24, delete everything after "*center*"

Page 1, delete line 25

Page 1, line 26, delete everything before the period

Amend the title as follows:

Page 1, lines 3 and 4, delete "reseeding and tree spraying" and insert "forest management"

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

Mr. Olhoft from the Committee on General Legislation and Administrative Rules, to which was referred

S. F. No. 400: A bill for an act relating to peace officers; changing the designation of part-time officers and reserve officers; removing the hours of work limitation for certain part-time peace officers; permitting reserve peace officers to carry firearms in emergencies; providing for two additional members on the peace officers standards and training board; authorizing the board to provide for training for certain part-time peace officers; authorizing the board to obtain criminal history data; amending Minnesota Statutes 1980, Sections 214.10, Subdivision 7; 626.84; 626.841; 626.843, Subdivision 1; 626.845, Subdivision 1; 626.846, Subdivisions 1 and 2; 626.8461; 626.8462; 626.8463; 626.8464; 626.8465, Subdivisions 1 and 2; 626.851, Subdivision 1; and 626.852.

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

Page 1, after line 18, insert:

"Section 1. Minnesota Statutes 1980, Section 214.10, Subdivision 7, is amended to read:

Subd. 7. [PEACE OFFICERS STANDARDS AND TRAINING BOARD; DEFINITIONS.] For purposes of subdivisions 4 to 6 the term "appropriate law enforcement agency" means the agency ~~employing the peace officer who is a party to the complaint. In the event all of the peace officers employed by the agency are parties to the complaint, the board shall designate the appropriate law enforcement agency~~ *designated by the subcommittee of the board.*"

Page 10, delete lines 22 to 30

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete "additional"

Page 1, line 7, delete "on" and insert "to"

Page 1, line 8, after "board" and before the semicolon, insert "from among elected city officials"

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

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 277: A bill for an act relating to public welfare; authorizing the department of vocational rehabilitation to provide funds for power assisted wheelchairs to handicapped persons under certain circumstances; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 129A.

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

follows:

Page 1, line 19, delete "*two years*" and insert "*six months*"

Page 2, line 18, after "*be*" insert "*held*"

Amend the title as follows:

Page 1, lines 2 and 3, delete "department of vocational rehabilitation" and insert "commissioner of economic security"

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

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 34: A bill for an act relating to public welfare; allowing the commissioner of public welfare to grant a variance related to operators of licensed facilities whose licenses have been previously revoked; amending Minnesota Statutes 1980, Section 245.801, Subdivision 6.

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

Page 1, lines 14 to 18, delete the new language and insert "*except that the commissioner may grant a variance to this provision for family day care after two years following the revocation or denial of a family day care license and issue a license according to criteria established by rules adopted under the administrative procedure act*"

Amend the title as follows:

Page 1, line 4, delete "operators of licensed facilities" and insert "certain license holders"

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

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 441: A bill for an act relating to public welfare; providing for actions against parents for contributions on behalf of certain children; providing for withholding from income for the enforcement of a court order for child support and maintenance of a parent of a dependent child; amending Minnesota Statutes 1980, Sections 256.87, Subdivision 1; 256.872; and 256.873.

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

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

S. F. No. 302: A bill for an act relating to crimes; changing the amount of pecuniary gain on damage sustained incident to a violation of law requisite to being categorized as a felony; amending Minnesota Statutes 1980, Sections 609.27, Subdivision 2; 609.52, Subdivision 3; 609.53, Subdivision 1; and 609.563, Subdivision 1.

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

Page 1, line 15, delete "*$100*" and reinstate the stricken "$300"

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. 249: A bill for an act relating to watershed districts; requiring a public hearing before district managers adopt a budget; amending Minnesota Statutes 1980, Section 112.611, Subdivision 1.

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

Page 1, lines 10 and 11, delete the new language

Page 1, line 13, after the period, insert "*Before adopting a budget the managers shall hold a public hearing on the proposed budget. The managers shall publish a notice of the hearing together with a summary of the proposed budget in one or more newspapers of general circulation in each county into which the watershed district extends. The notice and summary shall be published once each week for two successive weeks before the hearing. The last publication shall be at least two days before the hearing.*"

Page 1, line 13, begin a new paragraph with the word "After"

Amend the title as follows:

Page 1, line 2, after "requiring" insert "published notice and"

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. 244: A bill for an act relating to agriculture; consolidating certain promotional fund accounts; regulating deposit of certain funds; appropriating money; amending Minnesota Statutes 1980, Sections 17.59, Subdivisions 3, 4 and by adding a subdivision; 29.17; and 30.469.

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

Page 1, line 16, delete "*state*"

Page 1, delete line 17

Page 1, line 18, delete "*shall constitute a separate*" and insert "*commodity research and promotion*"

Page 2, delete line 14

Page 2, line 15, delete "*deposited, but shall constitute*"

Page 2, line 16, delete "*Minnesota commodities*" and insert "*commodity*"

Page 2, line 17, after "*appropriated*" insert "*to the department*"

Page 2, after line 19, insert:

"Sec. 4. Minnesota Statutes 1980, Section 21A.09, Subdivision 1, is amended to read:

Subdivision 1. Fees collected pursuant to sections 21A.01 to 21A.19 shall be deposited in a ~~bank or banks or other depository approved by the commis-~~

~~sioner of banks~~ *federally insured depository institution* and shall be disbursed by ~~such~~ *the* officers and employees ~~as may be~~ approved by the commissioner, with the advice and consent of the council, for the necessary expenses incurred in the administration of sections 21A.01 to 21A.19, and said funds are hereby appropriated for the purposes of sections 21A.01 to 21A.19."

Page 4, after line 10, insert:

"Sec. 7. Minnesota Statutes 1980, Section 30.47, is amended to read:

30.47 [FINANCING REFERENDUMS.]

Any petitioners for a referendum to organize under sections 30.461 to 30.479 filing such petition after June 30, 1969, shall deposit with the commissioner of agriculture sufficient funds to pay the costs of ~~such~~ *the* referendum ~~and such funds shall be used by the commissioner for that purpose~~. *Funds received for that purpose shall be deposited in the commodity research and promotion account.* If an area council is created pursuant to such a referendum it may reimburse petitioners for the amount of such deposit from any funds received by the council.

Sec. 8. Minnesota Statutes 1980, Section 32B.07, is amended to read:

32B.07 [PROSPECTIVE FEES; MILK MARKETING PROGRAM.]

Fees collected pursuant to sections 32B.01 to 32B.13 shall be deposited in a ~~bank or banks or other depository approved by the commissioner of banks~~ *federally insured depository institution* and shall be disbursed by ~~such~~ *the* officers and employees ~~as may be~~ approved by the commissioner of agriculture with the advice and consent of the council for the necessary expenses incurred with respect to sections 32B.01 to 32B.13. All persons authorized to control, handle, or deposit these fees shall be bonded. The amount, manner and payment of ~~such~~ *the* bonds shall be the responsibility of the council. All fees collected by the first buyer of milk must be remitted within 30 days of collection of same.

Sec. 9. Minnesota Statutes 1980, Section 32B.12, is amended to read:

32B.12 [ACCEPTANCE OF FUNDS; ~~APPROPRIATION~~.]

The commissioner of agriculture may accept funds, private and public, for the purpose of conducting a referendum or doing any other act or thing required under the terms and provisions of sections 32B.01 to 32B.13~~, and any moneys so received by the commissioner~~ . *Funds received for those purposes* shall be deposited in the ~~state treasury and are hereby appropriated annually for the purpose set forth herein~~ *commodity research and promotion account* ."

Page 4, line 11, after "*received*" insert "*by the department of agriculture*"

Page 4, line 14, delete "*Minnesota commodities*" and insert "*commodity*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, before "29.17" insert "21A.09, Subdivision 1;"

Page 1, line 6, delete "and" and before the period insert "; 30.47; 32B.07; and 32B.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. 2: A bill for an act relating to Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing and Morrison Counties; authorizing a joint board to prepare and implement a land use plan for the upper Mississippi River and adjacent lands.

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

Delete everything after the enacting clause and insert:

"Section 1. [114B.01] [PURPOSE AND INTENT.]

The legislature finds that:

(a) The Mississippi River from its outlet at Lake Itasca, Clearwater County, to the southerly boundary of Morrison County, Minnesota, possesses outstanding and unique natural, scientific, historical, recreational and cultural values deserving of protection and enhancement;

(b) The counties of Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing and Morrison have entered into a joint powers agreement pursuant to law for the purpose of developing a plan for the protection and enhancement of the foregoing values; and

(c) The plan adopted by the counties pursuant to the joint powers agreement establishes guidelines and minimum standards for cooperative local management of this segment of the Mississippi River.

It is the intent of sections 1 to 7 to authorize and direct the joint board and the counties to implement this comprehensive plan for the Mississippi headwaters area.

Sec. 2. [114B.02] [MISSISSIPPI HEADWATERS BOARD.]

Subdivision 1. [DEFINITIONS.] *For the purpose of sections 1 to 6, the following terms have the meanings given them in this subdivision unless the context clearly requires otherwise.*

(a) [BOARD.] *"Board" means the Mississippi headwaters board established pursuant to subdivision 2 of this section.*

(b) [COUNTIES.] *"Counties" means the counties of Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing and Morrison.*

Subd. 2. [ESTABLISHMENT.] *The Mississippi headwaters board established by the counties of Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing and Morrison by agreement entered into on February 22, 1980, pursuant to section 471.59, is hereby established as a permanent board with authority to prepare, adopt and implement a comprehensive land use plan designed to protect and enhance the Mississippi River and related shoreland areas situated within the counties.*

Subd. 3. [MEMBERSHIP; TERMS; VACANCIES.] *The board shall consist of eight members. The governing body of each county shall appoint one of its members to serve on the board. The members appointed to the board and serving on the effective date of this section shall constitute the first board as provided in this subdivision. The term of a member serving on the board on the effective date of this section shall expire on the first Monday in January of*

1983. Thereafter, the terms of board members shall be two years commencing on the first Monday in January of odd numbered years. Vacancies on the board shall be filled for the remainder of the term by the governing body that made the original appointment. The governing body of a county may designate another member of the governing body or a county officer to act as an alternate for the member appointed by that county.

Subd. 4. [OFFICERS.] *The board shall annually appoint from among its members a chairman, vice-chairman and secretary-treasurer who shall serve for concurrent one year terms.*

The chairman shall preside over all meetings of the board and may call special meetings at reasonable times and upon adequate notice when necessary. The vice-chairman shall preside over the meetings of the board in the absence of the chairman. The secretary-treasurer or his designee shall keep a record of all proceedings of the board. The secretary-treasurer shall provide for the proper receipt and disbursement of funds.

Subd. 5. [MEETINGS.] *The regular meetings of the board shall be held at times and places prescribed by it. A majority of all members of the board shall constitute a quorum and a majority vote of all members shall be required for actions taken by the board.*

Sec. 3. [114B.03] [COMPREHENSIVE PLAN.]

Subdivision 1. [EXISTING PLAN CONFIRMED; MINIMUM STANDARDS.] *The comprehensive land use plan prepared by the board and approved by resolution adopted on February 12, 1981, shall be the comprehensive land use plan authorized by section 2, subdivision 2, and shall be implemented by the board as provided in this section and section 4. The counties shall adopt land use ordinances consistent with the comprehensive land use plan of the board. The standards set forth in the plan are the minimum standards which may be adopted by the board and by the counties for the protection and enhancement of the natural, scientific, historical, recreational and cultural values of the Mississippi River and related shoreland areas subject to the plan. The board may amend the plan in any way that does not reduce the minimum standards set forth in the plan approved on February 12, 1981.*

Subd. 2. [ADVISORY COMMITTEES; HEARINGS.] *The board may appoint advisory committees and conduct public meetings and hearings necessary to afford the public an opportunity to become fully informed of all deliberations in the preparation and implementation of the plan.*

Subd. 3. [GOVERNMENTAL AGENCIES.] *The board shall initiate and maintain contacts with governmental agencies as necessary to properly prepare the plan and shall negotiate cooperative management agreements with the United States forest service and bureau of land management and the state department of natural resources. The board, Beltrami, Cass, Hubbard, and Itasca Counties shall initiate and maintain contacts with the governing body of the Leech Lake Indian Reservation and shall negotiate a cooperative management and jurisdiction agreement with the reservation governing body on or before September 1, 1981.*

Subd. 4. [LEECH LAKE INDIAN RESERVATION.] *Sections 1 to 7 shall not be construed to alter or expand the zoning jurisdiction of the counties within the exterior boundaries of the Leech Lake Indian Reservation. The comprehensive plan of the board and the county ordinances adopted pursuant to section 3, subdivision 1, shall apply only to areas within the zoning juris-*

diction of the counties as provided by law in effect prior to the enactment of sections 1 to 7.

Subd. 5. [IMPLEMENTATION.] *The board shall develop and establish a schedule for implementation and common administration of the plan by the counties. The schedule shall be binding upon the counties subject to approval by the governing bodies of the respective counties.*

Subd. 6. [FUNDS.] *The board shall annually submit to each county for its approval an estimate of the funds it will need from that county in the next fiscal year to prepare and implement the plan and otherwise carry out the duties imposed upon it by sections 1 to 6. Each county shall, upon approval of the estimate by its governing body, furnish the necessary funds to the board. The board may apply for, receive and disburse federal, state and other grants and donations.*

Subd. 7. [CONTRACTS.] *The board may employ staff and contract for goods and services as necessary to implement sections 1 to 6. Contracts are subject to the statutory procedures and restrictions applicable to county contracts.*

Sec. 4. [114B.04] [REVIEW AND CERTIFICATION OF LAND USE ACTIONS.]

Subdivision 1. [PURPOSE.] *In order to insure that the comprehensive land use plan prepared by the board is not nullified by unjustified exceptions in particular cases and to promote uniformity in the treatment of applications for exceptions, a review and certification procedure is established for the following categories of land use actions taken by the counties and directly or indirectly affecting land use within the area covered by the plan:*

(a) The adoption or amendment of an ordinance regulating the use of land, including rezoning of particular tracts of land;

(b) The granting of a variance from provisions of the land use ordinance; and

(c) The approval of a plat which is inconsistent with the land use ordinance.

Subd. 2. [CERTIFICATION.] *Notwithstanding any provision of chapter 394 to the contrary no action of a type specified in subdivision 1, clauses (a) to (c) is effective until the board has reviewed the action and certified that it is consistent with the comprehensive plan of the board. In determining consistency of ordinances and ordinance amendments, the provisions of the comprehensive land use plan shall be considered minimum standards. An aggrieved person may appeal a decision of the type specified in subdivision 1, clauses (a) to (c) which is reviewed by the board under this section in the same manner as provided for review of a decision of a board of adjustment in section 394.27, subdivision 9, but only after the procedures prescribed under this section have been completed.*

Subd. 3. [PROCEDURE FOR CERTIFICATION.] *A copy of all notices of public hearings or, when a hearing is not required, a copy of the application to consider any actions of a type specified in subdivision 1, clauses (a) to (c) shall be forwarded to the board by the county at least 30 days prior to the hearing or meetings to consider the actions. The county shall notify the board of its final decision on the proposed action within ten days of the decision. No later than 30 days from the time it receives the notice, the board shall notify the county and the applicant of its approval or disapproval of the proposed action.*

Subd. 4. [DISAPPROVAL OF ACTIONS; HEARING.] *In the case of notice of disapproval issued by the board, either the county or the applicant may, within 30 days of notice, file with the board a demand for a hearing. If no demand is filed during that period, the disapproval becomes final. If a demand is filed during that period, a hearing shall be held within 60 days of demand and shall be preceded by two weeks published notice. Within 30 days after the hearing, the board shall either affirm its disapproval of the proposed action or certify its approval thereof.*

Sec. 5. [114B.05] [INCORPORATION AND ANNEXATION.]

When land subject to the comprehensive land use plan of the board is annexed, incorporated or otherwise subjected to the land use planning authority of a home rule charter or statutory city, a moratorium shall exist on all subdivision platting and building permits on that land until zoning regulations are adopted for that land which comply with the provisions of the comprehensive plan of the board. The moratorium shall also apply to construction, grading and filling, and vegetative cutting as those activities are defined in the comprehensive plan. This section does not apply to work done pursuant to lawful permits issued before the land became subject to the land use planning authority of the city.

Sec. 6. [114B.06] [BIENNIAL REPORT.]

During the first year of each biennial legislative session, the board shall prepare and present to the appropriate policy committees of the legislature a report concerning the actions of the board in exercising the authority granted by the legislature pursuant to sections 1 to 5. The report shall include an assessment of the effectiveness of the board's comprehensive land use plan and its implementation in protecting and enhancing the natural, scientific, historical, recreational and cultural values of the Mississippi River and related shorelands situated within the member counties.

Sec. 7. [114B.07] [APPLICABILITY.]

Sections 1 to 6 apply to the counties of Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing and Morrison.

Sec. 8. [EFFECTIVE DATE.]

Sections 1 to 7 are effective upon approval by all the respective governing bodies of the counties of Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing and Morrison, and upon compliance with Minnesota Statutes, Section 645.021, Subdivision 3. Sections 1 to 7 shall not be effective unless all of the counties approve and comply with Minnesota Statutes, Section 645.021, Subdivision 3, by September 1, 1981."

Amend the title as follows:

Page 1, delete lines 2 to 6 and insert:

"relating to the Mississippi River headwaters area; establishing a joint board of counties to prepare, adopt and implement a comprehensive land use plan for the Mississippi River headwaters area; imposing a temporary moratorium on the use of certain lands subject to city land use controls; proposing new law coded as Minnesota Statutes, Chapter 114B."

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

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 352: A bill for an act relating to commerce; providing for the regulation of motor vehicle franchises; prohibiting certain practices by motor vehicle manufacturers; removing motor vehicle franchises from the general statutory provisions regarding franchises; prescribing penalties; providing remedies; amending Minnesota Statutes 1980, Section 80C.01, Subdivision 4; proposing new law coded as Minnesota Statutes, Chapter 80E; repealing Minnesota Statutes 1980, Sections 168.27, Subdivision 21; and 325D.17 to 325D.29.

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

Delete everything after the enacting clause and insert:

"Section 1. [80E.01] [LEGISLATIVE PURPOSE AND INTENT.]

The legislature finds and declares that the distribution and sale of motor vehicles within this state vitally affects the general economy of the state and the public interest and the public welfare, and that in order to promote the public interest and the public welfare, and in the exercise of its police power, it is necessary to regulate and license motor vehicle manufacturers, distributors or wholesalers, and factory or distributor representatives, and to regulate dealers of motor vehicles doing business in this state in order to prevent fraud, impositions, and other abuses upon its citizens and to protect and preserve the investments and properties of the citizens of this state.

Sec. 2. [80E.02] [APPLICABILITY.]

The provisions of sections 1 to 18 shall apply to all new motor vehicle dealers and contracts existing between new motor vehicle dealers and manufacturers on the effective date of sections 1 to 18 and to all subsequent contracts between new motor vehicle dealers and manufacturers.

Sec. 3. [80E.03] [DEFINITIONS.]

Subdivision 1. [TERMS.] *As used in sections 1 to 18, unless the context otherwise requires, the following terms have the meanings given them.*

Subd. 2. [MOTOR VEHICLE.] *"Motor vehicle" is as defined in Minnesota Statutes, Section 168.011, Subdivision 4, but does not include farm implements or machinery.*

Subd. 3. [DEALER.] *"New motor vehicle dealer" or "dealer" means a person who in the ordinary course of business is engaged in the business of selling new motor vehicles to consumers or other end users and who holds a valid sales and service agreement, franchise, or contract, granted by a manufacturer, distributor, or wholesaler for the sale of its motor vehicles.*

Subd. 4. [MANUFACTURER.] *"Manufacturer" means any person who manufactures or assembles new motor vehicles or any person, partnership, firm, association, joint venture, corporation, or trust which is controlled by the manufacturer.*

Subd. 5. [DISTRIBUTOR.] *"Distributor" means any person who in whole or in part offers for sale, sells, or distributes any new motor vehicle to new motor vehicle dealers, or who maintains factory representatives or who controls any person who in whole or in part offers for sale, sells, or distributes any new motor vehicle to new motor vehicle dealers.*

Subd. 6. [FACTORY BRANCH.] *"Factory branch" means a branch office*

maintained by a manufacturer for the purpose of selling, or offering for sale, motor vehicles to a distributor or new motor vehicle dealer, or for directing or supervising in whole or in part factory or distributor representatives.

Subd. 7. [NEW MOTOR VEHICLE.] *"New motor vehicle" means a motor vehicle which is in the possession of a manufacturer, distributor, or wholesaler, or has been sold only to the holders of a valid sales and service agreement, franchise, or contract, granted by the manufacturer, distributor, or wholesaler for the sale of the new motor vehicle and which is in fact new and on which the original title has not been issued from the franchised dealer.*

Subd. 8. [FRANCHISE.] *"Franchise" means the agreement of contract between any new motor vehicle manufacturer, written or otherwise, and any new motor vehicle dealer which purports to fix the legal rights and liabilities of the parties to the agreement or contract.*

Subd. 9. [GOOD FAITH.] *"Good faith" means honesty in fact and the observation of reasonable commercial standards of fair dealing in the trade as is defined and interpreted in Minnesota Statutes, Section 336.2-103, Clause (1)(b).*

Subd. 10. [DESIGNATED FAMILY MEMBER.] *"Designated family member" means the spouse, child, grandchild, parent, brother, or sister of the owner of a new motor vehicle dealer who, in the case of the owner's death, is entitled to inherit the ownership interest in the new motor vehicle dealer under the terms of the owner's will or who, in the case of an incapacitated owner of a new motor vehicle dealer, has been appointed by a court as the legal representative of the new motor vehicle dealer's property.*

Subd. 11. [RELEVANT MARKET AREA.] *"Relevant market area" means the area within a radius of ten miles around an existing new motor vehicle dealer.*

Sec. 4. [80E.04] [WARRANTY OBLIGATIONS TO DEALERS.]

Subdivision 1. [REQUIREMENTS.] *Each new motor vehicle manufacturer shall specify in writing to each of its new motor vehicle dealers licensed in this state the dealer's obligations for preparation, delivery, and warranty service on its products. The manufacturer shall also compensate the new motor vehicle dealer for warranty service and parts required of the dealer by the manufacturer, and shall provide the dealer the schedule of compensation to be paid the dealer for parts, work, and service in connection with warranty services, and the time allowance for the performance of the work and service.*

Subd. 2. [REASONABLE COMPENSATION FOR SERVICES.] *In no event shall the schedule of compensation fail to include reasonable compensation for diagnostic work, as well as repair service, parts, and labor. Time allowances for the diagnosis and performance of warranty work and service shall be reasonable and adequate for the work to be performed. In the determination of what constitutes reasonable compensation under this section, the principal factors to be given consideration shall be the prevailing wage rates paid by the dealer in the community in which the dealer is doing business, and in no event shall the hourly labor rate paid to a dealer for warranty services be less than the rate charged by the dealer for like service to nonwarranty customers for nonwarranty service and repairs.*

Subd. 3. [VIOLATIONS.] *It is a violation of this section for any new motor vehicle manufacturer to fail to: (a) perform any warranty obligations that it*

undertakes under the motor vehicle manufacturer's warranty; (b) include in written notices of factory recalls to new motor vehicle owners and dealers the expected date by which necessary parts and equipment will be available to dealers for the correction of the defects; or (c) to compensate any of the motor vehicle dealers licensed in this state for repairs effected by a recall.

Subd. 4. [PAYMENT OF CLAIMS.] *All claims made by new motor vehicle dealers pursuant to this section for labor and parts shall be paid within 30 days of their approval. Claims shall be either approved or disapproved within 30 days after they are submitted to the manufacturer in the manner and on the forms it prescribes, and any claims not specifically disapproved in writing within 30 days after the manufacturer receives them shall be construed to be approved and payment must follow within 30 days; provided, however, that the manufacturer retains the right to audit the claims for a period of two years and to charge back any amounts paid on unsubstantiated or fraudulent claims.*

Subd. 5. [PRODUCT LIABILITY; LIMITATION.] *As between the dealer and the manufacturer, the obligations imposed by this section shall constitute the dealer's only responsibility for product liability based in whole or in part on strict liability in tort.*

Sec. 5. [80E.05] [INDEMNIFICATION REQUIRED.]

Notwithstanding the terms of any franchise agreement to the contrary, it shall be a violation of sections 1 to 18 for any new motor vehicle manufacturer to fail to indemnify and hold harmless its franchised dealers against any judgment for damages, including, but not limited to, those based on strict liability, negligence, misrepresentation, warranty (express or implied), or revocation of acceptance as is defined in Minnesota Statutes, Section 336.2-608, where the complaint, claim, or lawsuit relates solely to the alleged defective or negligent manufacture, assembly, or design of new motor vehicles, parts or accessories or other functions by the manufacturer, beyond the control of the dealer.

Sec. 6. [80E.06] [CANCELLATIONS; TERMINATIONS.]

Subdivision 1. [REQUIREMENTS.] *Notwithstanding the terms of any franchise agreement or waiver to the contrary, no manufacturer shall cancel or terminate any franchise relationship with a licensed new motor vehicle dealer unless the manufacturer has:*

(a) Satisfied the notice requirement of section 8;

(b) Acted in good faith as defined in section 3, subdivision 9; and

(c) Good cause for the cancellation, termination, nonrenewal, or noncontinuance.

Subd. 2. [CIRCUMSTANCES CONSTITUTING GOOD CAUSE.] *Notwithstanding the terms of any franchise agreement or waiver to the contrary, good cause exists for the purposes of a termination or cancellation, when the new motor vehicle dealer fails to comply with a provision of the franchise which is both reasonable and of material significance to the franchise relationship; provided, that the dealer has been notified in writing of the failure within 180 days after the manufacturer first acquired knowledge of the failure; and*

If failure by the new motor vehicle dealer relates to the performance of the new motor vehicle dealer in sales or service, then good cause shall be defined as the failure of the new motor vehicle dealer to comply with reasonable

performance criteria established by the manufacturer; provided, that the new motor vehicle dealer was apprised by the manufacturer in writing of the failure; the notification stated that notice was provided for failure of performance pursuant to sections 1 to 18; the new motor vehicle dealer was afforded a reasonable opportunity in no event less than six months to comply with the criteria; and the dealer did not demonstrate substantial progress towards compliance with the manufacturer's performance criteria during the period.

Sec. 7. [80E.07] [CANCELLATION, TERMINATION; LIMITATIONS.]

Subdivision 1. [CIRCUMSTANCES NOT CONSTITUTING GOOD CAUSE.] *Notwithstanding the terms of any franchise agreement or waiver to the contrary, the following examples represent circumstances which do not by themselves constitute good cause for the termination or cancellation of a franchise:*

(a) A change of ownership of the new motor vehicle dealer's dealership. This paragraph does not authorize any change in ownership which would have the effect of the sale of the franchise without the manufacturer's or distributor's consent, but consent shall not in any case be unreasonably withheld. The burden of establishing the reasonableness is on the franchisor;

(b) The fact that the new motor vehicle dealer refused to purchase or accept delivery of any new motor vehicle parts, accessories, or any other commodity or services not ordered by the new motor vehicle dealer, other than parts necessary to conduct recall campaigns; or

(c) The fact that the new motor vehicle dealer owns, invests in, participates in the management of, holds a license for the sale of another make or line of new motor vehicle, or has established another make or line of new motor vehicle in the same dealership facilities as those of the manufacturer; provided, that the new motor vehicle dealer maintains a reasonable line of credit for each make or line of new motor vehicle, and that the new motor vehicle dealer remains in substantial compliance with the terms and conditions of the franchise and with any reasonable facilities' requirements of the manufacturer.

Subd. 2. [BURDEN OF PROOF.] *The manufacturer has the burden of proving that it acted in good faith; that the notice requirements have been complied with; and that there was good cause for the franchise termination or cancellation.*

Sec. 8. [80E.08] [NOTICE OF TERMINATION OR CANCELLATION.]

Subdivision 1. [REQUIREMENTS.] *Notwithstanding the terms of any franchise agreement or waiver to the contrary, prior to the termination or cancellation of any franchise, the manufacturer shall furnish notice of the termination, cancellation, or nonrenewal to the new motor vehicle dealer as provided in subdivision 2.*

Subd. 2. [GENERALLY.] *Notice shall be in writing and except as provided in subdivision 3 shall be given not less than 90 days prior to the effective date of the termination or cancellation.*

Subd. 3. [SPECIFIC EXCEPTIONS.] *(1) At least 15 days notice must be provided with respect to terminations or cancellations involving the following circumstances:*

(a) Conviction of or plea of nolo contendere of a franchised motor vehicle dealer, or one of its principal owners, of a crime which constitutes a felony as

defined in Minnesota Statutes, Section 609.02, Subdivision 2;

(b) The business operations of the franchised motor vehicle dealer have been abandoned or closed for seven consecutive business days unless the closing is due to an act of God, strike or labor difficulty, or other cause over which the dealer has no control;

(c) A significant misrepresentation by the new motor vehicle dealer; or

(d) The suspension, revocation, or refusal to renew the franchised motor vehicle dealer's license pursuant to Minnesota Statutes, Section 168.27.

(2) Not less than 180 days notice must be provided prior to the effective date of cancellation or termination where the manufacturer or distributor is discontinuing the sale of the product line.

Subd. 4. [CONTENTS AND DELIVERY.] *The notice shall be sent by certified mail or personally delivered to the new motor vehicle dealer. The notice shall contain the following information:*

(a) A statement of intention to terminate or cancel the franchise;

(b) A statement of the reasons for the termination or cancellation; and

(c) The date on which the termination or cancellation takes effect.

Sec. 9. [80E.09] [PAYMENTS REQUIRED UPON TERMINATION.]

Subdivision 1. [REQUIREMENTS.] *Upon the termination or cancellation of any franchise, the new motor vehicle dealer shall, in the time prescribed, be allowed fair and reasonable compensation by the manufacturer for the following items:*

(a) New motor vehicle inventory which was originally acquired from the manufacturer;

(b) Equipment and furnishings if the new motor vehicle dealer purchased them from the manufacturer;

(c) Special tools;

(d) Supplies, including parts, purchased from the manufacturer. Fair and reasonable compensation as applied to parts means that the manufacturer shall reimburse the dealer for 100 percent of the net cost of all current unused automobile and truck parts, including transportation charges, and 85 percent of the current net prices on repair parts, including superseded parts listed in current price lists or catalogs plus five percent of the current net price of all parts returned to compensate the dealer for the handling, packing, and loading of the parts;

(e) Except as provided in clause (f), dealership facilities if the facilities were required to be purchased or constructed as a precondition to obtaining the franchise or its renewal by the manufacturer. If the facilities described in this clause were leased and the lease was required by the manufacturer as a precondition to obtaining the franchise or to its renewal, then the manufacturer is liable for one year's payment of the rent or the remainder of the term of the lease, whichever is less. The manufacturer has no obligations under this clause if the termination or cancellation was for good cause based on the conviction or a plea of nolo contendere of the dealer or one of its principal owners for a crime which constitutes a felony as defined in Minnesota Statutes, Section 609.02, Subdivision 2, or where it has been demonstrated at the

hearing that the new motor vehicle dealer has repeatedly exhibited a course of conduct constituting fraud with respect to the manufacturer or the general public;

(f) In the event the termination or cancellation is due to a failure of performance of the dealer in sales or service as described in section 6, subdivision 2, the manufacturer shall have no obligation to purchase facilities owned by the dealer but shall be required to pay the dealer a sum equivalent to the reasonable rental value of the facilities for one year. In all other respects the provisions of clause (e) shall apply.

Subd. 2. [TIME IN WHICH PAYMENTS MUST BE MADE.] *Fair and reasonable compensation shall be paid by the manufacturer when possible within 90 days of the effective date of termination or cancellation as long as this period will allow compliance with the notification requirements of Minnesota Statutes, Sections 336.6-101 to 336.6-111 or any other state or federal laws relating to creditor notification.*

Subd. 3. [VOLUNTARY TERMINATIONS OR CANCELLATIONS.] *For the purposes of reimbursement under this section, termination or cancellation includes a voluntary termination or cancellation by the dealer.*

Sec. 10. [80E.10] [NONRENEWALS.]

Subdivision 1. [GENERAL PROVISIONS.] *No manufacturer, distributor, or factory branch shall fail or refuse to renew a franchise unless the manufacturer or distributor provides the new motor vehicle dealer at least 12 months written notice of its intention not to renew and clearly indicating therein the specific grounds for nonrenewal and unless during the 12 months prior to expiration of the franchise, the manufacturer or distributor permits the dealer to sell or transfer his business to a purchaser meeting the manufacturer's or distributor's then current requirements for granting new franchises and in accordance with the provisions of section 12, subdivision 1, clause (j).*

Subd. 2. [PERMITTED IN CERTAIN CIRCUMSTANCES.] *A manufacturer or distributor may fail or refuse to renew a franchise where:*

(a) Termination would be permitted pursuant to sections 1 to 19; or

(b) The dealer and the manufacturer or distributor agree not to renew the franchise;

(c) The manufacturer discontinues distribution of the franchise product at the dealership location, and does not establish a replacement dealer at or within two miles of that location for a period of at least four years;

(d) The manufacturer discontinues production or distribution of the franchise product;

(e) The manufacturer discontinues distribution of the franchise product in a geographic area due to federal, state or local laws;

(f) The dealer and the manufacturer fail to agree to changes or additions to the terms and conditions of the franchise agreement if the changes or additions would result in renewal of the franchise agreement on substantially the same terms and conditions which the manufacturer or distributor is then customarily granting renewal franchises. The manufacturer or distributor may give the new motor vehicle dealer written notice of a date which is at least 60 days subsequent to the notice, on or before which a proposed written agreement of the terms and conditions of the renewal franchise must be accepted in writing by

the dealer; or

(g) The business relationship between the parties has deteriorated to the point that a reasonably harmonious association does not exist; provided the deterioration is the result of actions of a serious and significant nature by the dealer which were not caused by or attributable to unlawful acts or unfair practices of the manufacturer or distributor as described in sections 4, 11 and 12, or any federal law, and provided the manufacturer or distributor has made a good faith effort to advise the dealer of the problems contributing to the deterioration and thereby improve the business relationship in the 12 months prior to expiration of the franchise.

Subd. 3. [RESTRICTIONS.] *Nonrenewal shall not be permitted where the refusal to renew is for the purpose of converting the new motor vehicle dealer's business premises to operation by employees or agents of the manufacturer or distributor. Operation of the premises by employees or agents of the manufacturer or distributor shall be prima facie evidence of intent to convert unless the operation is temporary for a reasonable period or pending sale to any qualified independent person at a fair and reasonable price, or in which an independent person has made a significant investment subject to loss in the dealership and can reasonably expect to acquire full ownership of the dealership on reasonable terms and conditions.*

Subd. 4. [PAYMENTS.] *In the event of nonrenewal or failure to renew, the manufacturer or distributor shall be obligated to make the same payments to the dealer and in the same manner, subject to the same limitations and restrictions, as are set forth in section 9.*

Subd. 5. [CERTAIN FRANCHISES ONLY.] *This section applies only when the franchise agreement has a term of at least five years. However, nothing in this section shall prohibit a manufacturer from offering or agreeing before expiration of the current franchise term to extend the term of the franchise for a limited period in order to satisfy the time of notice or nonrenewal requirement contained herein.*

Sec. 11. [80E.11] [SURVIVORSHIP.]

Subdivision 1. [AUTHORIZATION.] *Any designated family member of a deceased or incapacitated owner of a new motor vehicle dealer may succeed to the ownership of the new motor vehicle dealer under the existing franchise or distribution agreement if: (a) the designated family member gives the manufacturer, distributor, factory branch, or importer of new motor vehicles written notice of the intention to succeed to ownership of the dealership within 120 days of the owner's death or incapacity; (b) agrees to be bound by all of the terms and conditions of the existing franchise; and (c) unless there exists good cause for refusal to honor the succession on the part of the manufacturer, factory branch, distributor, or importer.*

Subd. 2. [PERSONAL AND FINANCIAL DATA.] *At the time of serving notice under subdivision 1, the designated family member shall provide, upon the request of the manufacturer, distributor, factory branch, or importer, personal and financial data that is reasonably necessary to determine whether the succession should be honored.*

Subd. 3. [NOTICE OF DISCONTINUANCE OR REFUSAL TO HONOR SUCCESSION.] *If a manufacturer, distributor, factory branch, or importer believes that good cause exists for refusing to honor the succession to the ownership and operation of a new motor vehicle dealer by a family member of a*

deceased or incapacitated owner of a new motor vehicle dealer under the existing franchise agreement, the manufacturer, distributor, factory branch, or importer may, within 60 days after receipt of the personal and financial data requested under subdivision 2, serve notice upon the designated family member of its refusal to honor the succession and of its intent to discontinue the existing franchise agreement with the new motor vehicle dealer no sooner than 90 days from the date the notice is served.

Subd. 4. [CONTENTS OF NOTICE.] *The notice must state the specific grounds for the refusal to honor the succession and discontinue the existing franchise agreement with the new motor vehicle dealer.*

Subd. 5. [EFFECT OF NOTICE NOT TIMELY SERVED.] *If notice of refusal and discontinuance is not timely served upon the family member, the franchise agreement shall continue in effect subject to termination only as otherwise permitted by sections 1 to 18.*

Subd. 6. [BURDEN OF PROOF.] *In determining whether good cause for the refusal to honor the succession exists, the manufacturer, distributor, factory branch, or importer has the burden of proving that the successor is a person who is not of good moral character or does not meet the franchisor's existing and reasonable standards and, considering the volume of sales and service of the new motor vehicle dealer, uniformly applied minimum business experience standards in the market area.*

Subd. 7. [SUCCESSION AGREEMENTS.] *Notwithstanding the foregoing, in the event the new motor vehicle dealer and franchisor have duly executed an agreement concerning succession rights prior to the dealer's death, the agreement shall be observed, even if it designates an individual other than the surviving spouse or heirs of the franchised motor vehicle dealer.*

Sec. 12. [80E.12] [UNLAWFUL ACTS BY MANUFACTURERS, DISTRIBUTORS, OR FACTORY BRANCHES.]

Subdivision 1. [ENUMERATION.] *It shall be unlawful for any manufacturer, distributor, or factory branch to require a new motor vehicle dealer to do any of the following:*

(a) Order or accept delivery of any new motor vehicle, part or accessory thereof, equipment, or any other commodity not required by law which has not been voluntarily ordered by the new motor vehicle dealer;

(b) Order or accept delivery of any new motor vehicle, part or accessory thereof, equipment, or any other commodity not required by law in order for the dealer to obtain delivery of any other motor vehicle ordered by the dealer or to qualify for or participate in any rebate, refund, or similar program offered by the manufacturer;

(c) Order or accept delivery of any new motor vehicle with special features, accessories, or equipment not included in the list price of the motor vehicles as publicly advertised by the manufacturer or distributor;

(d) Participate monetarily in an advertising campaign or contest, or to purchase any promotional materials, showroom, or other display decorations or materials at the expense of the new motor vehicle dealer;

(e) Enter into any agreement with the manufacturer or to do any other act prejudicial to the new motor vehicle dealer by threatening to cancel a franchise or any contractual agreement existing between the dealer and the manufac-

turer. Notice in good faith to any dealer of the dealer's violation of any terms of the franchise agreement shall not constitute a violation of sections 1 to 18;

(f) Change the capital structure of the new motor vehicle dealer or the means by or through which the dealer finances the operation of the dealership; provided, that the new motor vehicle dealer at all times meets any reasonable capital standards agreed to by the dealer; and also provided, that no change in the capital structure shall cause a change in the principal management or have the effect of a sale of the franchise without the consent of the manufacturer or distributor as provided in section 12, subdivision 1(j);

(g) Prevent or attempt to prevent, by contract or otherwise, any motor vehicle dealer from changing the executive management control of the new motor vehicle dealer unless the franchisor proves that the change of executive management will result in executive management control by a person who is not of good moral character or who does not meet the franchisor's existing reasonable capital standards and, with consideration given to the volume of sales and services of the new motor vehicle dealer, uniformly applied minimum business experience standards in the market area; provided, that where the manufacturer, distributor, or factory branch rejects a proposed change in executive management control, the manufacturer, distributor, or factory branch shall give written notice of its reasons to the dealer;

(h) Refrain from participation in the management of, investment in, or the acquisition of, any other line of new motor vehicle or related products; provided, however, that this clause does not apply unless the new motor vehicle dealer maintains a reasonable line of credit for each make or line of new motor vehicle; and that the new motor vehicle dealer remains in substantial compliance with the terms and conditions of the franchise and with any reasonable facilities requirements of the manufacturer;

(i) During the course of the agreement, change the location of the new motor vehicle dealership or make any substantial alterations to the dealership premises during the course of the agreement, when to do so would be unreasonable; or

(j) Prospectively assent to a release, assignment, novation, waiver, or estoppel which would relieve any person from liability imposed by sections 1 to 18 or to require any controversy between a new motor vehicle dealer and a manufacturer, distibutor, or factory branch to be referred to any person or tribunal other than the duly constituted courts of this state, the United States, or the commissioner, if the referral would be binding upon the new motor vehicle dealer.

Sec. 13. [80E.13] [UNFAIR PRACTICES BY MANUFACTURERS, DISTRIBUTORS, FACTORY BRANCHES.]

Subdivision 1. [ENUMERATION.] *It is unlawful and an unfair practice for a manufacturer, distributor, or factory branch to engage in any of the following practices:*

(a) To delay, refuse, or fail to deliver new motor vehicles or new motor vehicle parts or accessories in reasonable time and in reasonable quantity relative to the new motor vehicle dealer's facilities and sales potential in the dealer's relevant market area, after having accepted an order from a new motor vehicle dealer having a franchise for the retail sale of any new motor vehicle sold or distributed by the manufacturer or distributor, if the new motor vehicle or new motor vehicle parts or accessories are publicly advertised as

being available for delivery or actually being delivered. This clause is not violated, however, if the failure is caused by acts or causes beyond the control of the manufacturer;

(b) To refuse to disclose to any new motor vehicle dealer handling the same line make, the manner and mode of distribution of that line make within the relevant market area;

(c) To obtain money, goods, service, or any other benefit from any other person with whom the dealer does business, on account of, or in relation to, the transaction between the dealer and the other person, other than for compensation for services rendered, unless the benefit is promptly accounted for, and transmitted to, the new motor vehicle dealer;

(d) To increase prices of new motor vehicles which the new motor vehicle dealer had ordered for private retail consumers prior to the dealer's receiving the written official price increase notification. A sales contract signed by a private retail consumer shall constitute evidence of each order if the vehicle is in fact delivered to that customer. In the event of manufacturer price reductions, the amount of any reduction received by a dealer shall be passed on to the private retail consumer by the dealer if the retail price was negotiated on the basis of the previous higher price to the dealer;

(e) To offer any refunds or other types of inducements to any new motor vehicle dealer for the purchase of new motor vehicles of a certain line make to be sold to the state or any political subdivision thereof without making the same offer to all other new motor vehicle dealers in the same line make within the relevant market area;

(f) To release to any outside party, except under subpoena or in an administrative or judicial proceeding involving the manufacturer or dealer, any business, financial, or personal information which may be provided by the dealer to the manufacturer, without the express written consent of the dealer or unless pertinent to judicial or governmental administrative proceedings or to arbitration proceedings of any kind;

(g) To deny any new motor vehicle dealer the right of free association with any other new motor vehicle dealer for any lawful purpose;

(h) To unfairly discriminate among its new motor vehicle dealers with respect to warranty reimbursement or authority granted its new vehicle dealers to make warranty adjustments with retail customers;

(i) To compete with a new motor vehicle dealer in the same line make operating under an agreement or franchise from the same manufacturer in the relevant market area. A manufacturer shall not, however, be deemed to be competing when operating a dealership either temporarily for a reasonable period, or in a bona fide retail operation which is for sale to any qualified independent person at a fair and reasonable price, or in a bona fide relationship in which an independent person has made a significant investment subject to loss in the dealership and can reasonably expect to acquire full ownership of the dealership on reasonable terms and conditions; or

(j) To prevent a new motor vehicle dealer from receiving fair and reasonable compensation for the value of the new motor vehicle dealership. There shall be no transfer, assignment of the franchise, or major change in the executive management of the dealership, except as is otherwise provided in sections 1 to 18, without consent of the manufacturer, which shall not be unreasonably

withheld. Denial of the request must be in writing and delivered to the new motor vehicle dealer within 60 days after the manufacturer receives the information necessary to evaluate the proposed transfer. If a denial is not sent within this period, the manufacturer shall be deemed to have given its consent to the proposed transfer or change.

Sec. 14. [80E.14] [LIMITATIONS ON ESTABLISHING OR RELOCATING DEALERSHIPS.]

Subdivision 1. [NOTIFICATION; PROTEST; HEARING.] *In the event that a manufacturer seeks to enter into a franchise establishing an additional new motor vehicle dealership or relocating an existing new motor vehicle dealership within or into a relevant market area where the line make is then represented, the manufacturer shall, in writing, first notify each new motor vehicle dealer in this line make in the relevant market area of the intention to establish an additional dealership or to relocate an existing dealership within or into that market area. The relevant market area is a radius of ten miles around an existing dealership. Within 15 days of receiving the notice or within 15 days after the end of any appeal procedure provided by the manufacturer, the new motor vehicle dealership may commence a civil action in a court of competent jurisdiction pursuant to section 18 challenging the establishing or relocating of the new motor vehicle dealership. An action brought under this section shall be placed on the calendar ahead of other civil actions to be heard and determined as expeditiously as possible. Thereafter the manufacturer shall not establish or relocate the proposed new motor vehicle dealership unless the court has determined that there is good cause for permitting the establishment or relocation of the motor vehicle dealership.*

For the purposes of this section, the reopening in a relevant market area of a new motor vehicle dealership within two miles of a location at which a former dealership of the same line make had been in operation within the previous two years shall not be deemed the establishment of a new motor vehicle dealership.

The relocation of an existing dealer within its area of responsibility as defined in the franchise agreement shall not be subject to this section, if the proposed relocation site is not within five miles of an existing dealer of the same line make.

Subd. 2. [GOOD CAUSE.] *In determining whether good cause has been established for not entering into or relocating an additional franchise for the same line make, the court shall take into consideration the existing circumstances, including, but not limited to:*

(a) The permanency of the investment;

(b) The effect on the retail new motor vehicle business and the consuming public in the relevant market area;

(c) Whether it is injurious to the public welfare for an additional new motor dealership to be established;

(d) Whether the new motor vehicle dealers of the same line make in that relevant market area are providing adequate competition and convenient consumer care for the motor vehicles of the line make in the market area including the adequacy of motor vehicle sales and service facilities, equipment, supply of motor vehicle parts, and qualified service personnel;

(e) Whether the new motor vehicle dealers of the same line make in the relevant market area are providing adequate market penetration and repre-

sentation; provided, that good cause shall not be shown solely by a desire for further market penetration;

(f) Whether the establishment of an additional new motor vehicle dealership would increase competition, and therefore be in the public interest; and

(g) the growth or decline in population and new car registrations in the relevant market area.

Sec. 15. [80E.15] [MANUFACTURERS, DISTRIBUTORS, FACTORY BRANCHES ACTING AS LESSORS.]

A manufacturer, distributor or factory branch acting in the capacity of lessor of buildings or facilities to a new motor vehicle dealer may not include in a lease agreement relating to those buildings or facilities any provisions which would be in contravention of or prohibited by sections 1 to 18.

Sec. 16. [80E.16] [ENFORCEMENT.]

Subdivision 1. [CIVIL PENALTY.] *Any person who violates sections 4, 11, or 12 shall be subject to a fine of not more than $2,000 for each violation. Any person who fails to comply with a final judgment or order rendered by a court of competent jurisdiction, issued for a violation of sections 1 to 18, shall be subject to a fine of not more than $25,000. The fines authorized by this subdivision shall be imposed in a civil action brought by the attorney general on behalf of the state of Minnesota, and shall be deposited into the state treasury.*

Subd. 3. [REMEDIES CUMULATIVE.] *Nothing in this section shall be construed to limit the power of the state to punish any person for any conduct which constitutes a crime under any other statute.*

Sec. 17. [80E.17] [CIVIL REMEDIES.]

Notwithstanding the terms of any franchise agreement or waiver to the contrary, any person who is injured in his business or property by a violation of sections 1 to 18, or any person injured because he refuses to accede to a proposal for an arrangement which, if consummated, would be in violation of sections 1 to 18, may bring a civil action to enjoin further violations and to recover the actual damages sustained, together with costs and disbursements, including reasonable attorney's fees.

Sec. 18. Minnesota Statutes 1980, Section 80C.01, Subdivision 4, is amended to read:

Subd. 4. "Franchise" means a contract or agreement, either express or implied, whether oral or written, for a definite or indefinite period, between two or more persons:

(a) by which a franchisee is granted the right to engage in the business of offering or distributing goods or services using the franchisor's trade name, trademark, service mark, logotype, advertising, or other commercial symbol or related characteristics;

(b) in which the franchisor and franchisee have a community of interest in the marketing of goods or services at wholesale, retail, by lease, agreement, or otherwise; and

(c) for which the franchisee pays, directly or indirectly, a franchise fee.

"Franchise" shall include a contract, lease, or other agreement whereby the

franchisee is granted the right to market ~~(1) automobiles, motorcycles, trucks, truck tractors, or self propelled motor homes or campers if the foregoing are designed primarily for the transportation of persons or property on the public highways or (2)~~ motor vehicle fuel.

"Franchise" does not include any business which is operated under a lease on the premises of the lessor as long as such business is incidental to the business conducted by the lessor on such premises, including, without limitation, leased departments and concessions.

"Franchise" does not include a contract, lease or other agreement whereby the franchisee is granted the right to market automobiles, motorcycles, trucks, truck tractors, or self-propelled motor homes or campers if the foregoing are designed primarily for the transportation of persons or property on public highways.

Sec. 19. [REPEALER.]

Minnesota Statutes 1980, Sections 168.27, Subdivision 21; 325D.17; 325D.18; 325D.19; 325D.20; 325D.21; 325D.22; 325D.23; 325D.24; 325D.25; 325D.26; 325D.27; 325D.28; and 325D.29 are repealed.

Sec. 20. [EFFECTIVE DATE.]

Sections 1 to 19 are effective the day following final enactment."

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

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

S. F. No. 318: A bill for an act relating to taxation; increasing the deduction for tuition, textbooks, and transportation of dependents attending certain schools; amending Minnesota Statutes 1980, Section 290.09, Subdivision 22.

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

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

S. F. No. 390: A bill for an act relating to education; requiring the board of education to establish and fill the position of specialist for industrial arts education and to prescribe the duties of the specialist; appropriating money; amending Minnesota Statutes 1980, Section 121.11, 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. Stumpf from the Committee on Elections and Reapportionment, to which was referred

S. F. No. 549: A bill for an act relating to elections; clarifying and correcting certain provisions and eliminating certain obsolete provisions of the ethics in government act; amending Minnesota Statutes 1980, Sections 10A.25, Subdivision 2; 10A.255, by adding a subdivision; 10A.31, Subdivision 2; 10A.32, Subdivision 3b; and 10A.335; repealing Minnesota Statutes 1980, Section 10A.25, Subdivision 7.

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

Page 2, after line 3, insert:

"Sec. 2. Minnesota Statutes 1980, Section 10A.25, Subdivision 6, is amended to read:

Subd. 6. In any year following an election year for the office held or sought, the aggregate amount of expenditures by and approved expenditures on behalf of a candidate for or holder of that office shall not exceed 20 percent of the expenditure limit set forth in subdivision 2 *except for calendar year 1981, in which the aggregate amount of expenditures by and approved expenditures on behalf of a candidate for or holder of that office shall not exceed 40 percent of the expenditure limit set forth in subdivision 2.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "Subdivision" and insert "Subdivisions"

Page 1, line 6, after "2" insert "and 6"

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

Mr. Stumpf from the Committee on Elections and Reapportionment, to which was referred

H. F. No. 71: A bill for an act relating to elections; revising, reorganizing and recodifying major portions of the Minnesota election law; modernizing and improving language, organization and style; clarifying certain ambiguities; removing certain obsolete terms and provisions; restating guidelines for determining voter eligibility; providing for voter registration, absentee voting, the conduct of elections and the counting and canvassing of election returns; defining terms; providing penalties; making necessary technical amendments, corrections and other revisions; amending Minnesota Statutes 1980, Sections 10A.01, Subdivision 12; 40.05, Subdivision 3; 123.32, Subdivision 7; 200.01; 200.02; 201.01; 201.021; 201.061; 201.071; 201.081; 201.091; 201.11; 201.12; 201.121; 201.13; 201.14; 201.15; 201.161; 201.171; 201.18; 201.211; 201.221; 201.27; 201.275; 202A.11; 202A.16, Subdivision 1; 205.01; 205.03; 205.11, Subdivision 4a; 205.13, Subdivision 1; 205.14, Subdivision 4; 205.15; 205.17, Subdivision 2; 205.20, Subdivisions 2 and 5; 206.026, Subdivision 5; 206.07, Subdivision 1; 206.185, Subdivisions 1 and 5; 206.20, Subdivision 2; 206.21, Subdivisions 1 and 2; 208.04, Subdivisions 1 and 2; 210A.07; 210A.26, Subdivision 4; 210A.28; 210A.34, Subdivision 4; 290.06, Subdivision 11; 290.21, Subdivision 3; 365.51; 365.52; 375.20; 382.28; and 487.03, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapters 200, 201, 205, and 210A; proposing new law coded as Minnesota Statutes, Chapters 203B, 204B, 204C, and 204D; repealing Minnesota Statutes 1980, Sections 201.231; 201.26; 201.33; 202A.21 to 202A.721; and 210.22; and Chapters 203A, 204A, and 207.

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

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

S. F. No. 588: A bill for an act proposing an amendment to the Minnesota Constitution, Article XIV, Section 11; removing certain restrictions on highway bonds.

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

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

S. F. No. 291: A bill for an act relating to sheriffs; repealing the law prohibiting persons elected to the office of sheriff from holding public office; amending Minnesota Statutes 1980, Section 387.13.

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

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1980, Section 375.09, is amended to read:

375.09 [MAY NOT HOLD OTHER OFFICE; NO INTEREST IN CONTRACT; VIOLATION; MALFEASANCE.]

No county commissioner shall be appointed or elected by the board of which he is a member to any office or position of trust or emolument *nor employed by the county in which he is a commissioner* , and no commissioner shall receive any money or other valuable thing as a condition of voting or inducement to vote for any contract or other thing under consideration by the board, or become a party to, or directly or indirectly interested in, any contract made by the board; and every appointment or election made and every contract or payment voted for or made contrary to the provisions of this section shall be void. Any violation of the provisions of this section shall be a malfeasance in office."

Page 1, line 12, after "counselor" insert "*at law*"

Page 1, line 17, reinstate the stricken "; nor shall any sheriff"

Page 1, line 17, reinstate the stricken "be eligible to any"

Page 1, line 18, reinstate the stricken "other"

Page 1, line 18, after "other" insert "*elective*"

Page 1, line 18, reinstate the stricken "office"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "sheriffs" and insert "counties"

Page 1, line 3, delete "elected to" and insert "holding"

Page 1, line 3, after "of" insert "deputy"

Page 1, line 4, after the semicolon insert "prohibiting county commissioners from being employed by their counties;"

Page 1, line 5, delete "Section" and insert "Sections 375.09; and"

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

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

S. F. No. 253: A bill for an act relating to the town of Great Scott; granting the town certain powers of a municipality.

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

adopted.

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

S. F. No. 459: A bill for an act relating to the city of Edina; providing for the purchasing and contracting authority of the city manager and council.

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

Page 1, line 8, after "*The*" insert "*city*"

Page 1, line 11, after "*exceed*" insert "*$2,000, provided that the council, by resolution, may from time to time increase such amount as it shall determine but not in excess of*"

Page 1, line 15, before "*manager*" insert "*city*"

Page 1, line 18, before "*manager*" insert "*city*"

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

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

S. F. No. 323: A bill for an act relating to certain towns in St. Louis County; providing a method for determining whether to open or maintain certain town roads.

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

Page 1, line 9, delete everything after "*towns*"

Page 1, line 10, delete everything before "*in*"

Page 1, line 20, delete "*a*" and insert "*each*"

Page 1, line 20, delete "*named*"

Page 1, line 20, delete "*section 1*" and insert "*St. Louis County*"

Amend the title as follows:

Page 1, line 2, delete "certain"

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

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

S. F. No. 537: A bill for an act relating to highway traffic regulations; establishing permit fees for certain oversize vehicles; amending Minnesota Statutes 1980, Section 169.86, Subdivision 5.

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

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 1980, Section 169.81, Subdivision 3, is amended to read:

Subd. 3. [LENGTH OF COMBINATIONS AND SEMITRAILERS AND

TRUCK-TRACTORS.] (a) No combination of vehicles coupled together unladen or with load, including truck-tractor and semitrailers, shall consist of more than two units unless the combination consists of a truck-tractor and semitrailer drawing one additional semitrailer equipped with an auxiliary dolly, and no combination of vehicles shall exceed a total length of 60 feet. The limitation shall not apply to the transportation of telegraph poles, telephone poles, electric light and power poles, piling, or pole length pulpwood, and is subject to the following further exceptions: The length limitations shall not apply to vehicles when transporting pipe, or other objects by a public utility when required for emergency or repair of public service facilities or when operated under special permits as provided in this subdivision, but with respect to night transportation a vehicle and the load shall be equipped with a sufficient number of clearance lamps and marker lamps on both sides and upon the extreme ends of a projecting load to clearly mark the dimensions of the load. Mount combinations may be drawn but the combinations may not exceed ~~60~~ *65* feet in length. The limitation on the number of units shall not apply to vehicles used for transporting milk from point of production to point of first processing, in which case no combination of vehicles coupled together unladen or with load, including truck-tractor and semitrailers, shall consist of more than three units and no combination of those vehicles shall exceed a total length of 60 feet. For the purpose of registration, trailers coupled with a truck-tractor, semitrailer combination shall be considered the same as semitrailers. The state, as to state trunk highways, and a city or town, as to roads or streets located within the city or town, may issue permits authorizing the transportation of combinations of vehicles exceeding the limitations in this subdivision over highways, roads or streets within their boundaries. Combinations of vehicles authorized by this subdivision may be restricted as to the use of highways by the commissioner, as to state trunk highways, and a road authority, as to highways or streets subject to its jurisdiction. Nothing in this subdivision shall be deemed to alter or change the authority vested in local authorities under the provisions of section 169.04. This subdivision shall not apply to the operation of combinations of vehicles subject to the provisions of section 169.861.

(b) No single semitrailer or trailer shall have an overall length, exclusive of rear protective bumpers which do not increase the overall length by more than six inches and further exclusive of accessory equipment mounted or located on the end of the semitrailer or trailer adjacent to the truck or truck-tractor, in excess of 45 feet, except for those semitrailers governed by subdivisions 3a, 3b and 7. For purposes of determining compliance with the provisions of this subdivision, the length of the semitrailer or trailer shall be determined separate from the overall length of the combination of vehicles."

Page 1, line 9, strike everything after "[FEES.]"

Page 1, line 10, delete the new language and strike "permits,"

Page 1, line 19, after the stricken "$50" reinstate the stricken language

Page 1, line 20, reinstate the stricken language

Page 1, line 21, reinstate the stricken language and insert a period after "fund"

Page 1, line 25, delete "*$60*" and insert "*$12*"

Page 1, line 25, delete the first "*seasonal*" and insert "*job*"

Page 1, line 25, delete everything after the period and insert "*A job permit*

may be issued for like loads carried on a specific route for a period not to exceed one month."

Page 1, delete line 26

Page 2, delete lines 1 to 14

Page 2, line 15, delete the new language and insert:

"*(c) $60 for an annual permit to be issued for a period not to exceed 12 consecutive months or 40 authorizations for movement from the commissioner, whichever occurs first. After 40 authorizations the permit must be renewed. Annual permits shall be issued for:*

(1) truck cranes;

(2) contractors who move their own construction machinery;

(3) the movement of similar commodities;

(4) refuse compactor vehicles that carry a gross weight up to but not in excess of 22,000 pounds on a single rear axle and not in excess of 38,000 pounds on a tandem rear axle;

(5) motor vehicles used to alleviate a temporary crisis adversely affecting the safety or well-being of the public;

(6) motor vehicles which travel on interstate highways and carry loads authorized under subdivision 1a

Sec. 3. Minnesota Statutes 1980, Section 169.86, is amended by adding a subdivision to read:

Subd. 7. [TRUCK WEIGHT STUDY.] *The commissioner of transportation shall conduct a study of truck weight and dimension to determine the size and weight of loads that should be carried on Minnesota highways. The study shall consider:*

(a) The effect of truck weight on highways, safety, and traffic movement; and

(b) The economic effects of weight and size restrictions.

The commissioner shall report the conclusions of the study to the standing committees on transportation of both houses of the legislature before January 1, 1982.

Sec. 4. Minnesota Statutes 1980, Section 169.861, is amended to read:

169.861 [~~PERMITS FOR~~ *OPERATION OF* CERTAIN COMBINATIONS; ~~FEES~~.]

~~Subdivision 1. [APPLICATIONS.] The commissioner shall issue an annual permit to enable~~ A combination of vehicles consisting of a truck and semitrailer or a truck-tractor and semitrailer drawing one additional semitrailer equipped with an auxiliary dolly between 55 and 65 feet in length ~~to~~ *may* operate on the public highways. ~~The permit shall entitle the combination of vehicles to operate~~ only on divided highways having four or more lanes of travel, and on such other highways as may be designated by the commissioner of transportation subject to section 169.87, subdivision 1, and subject to the approval of the authority having jurisdiction over such highway, for the purpose of providing access between such divided highways of four or more lanes of travel and truck terminals and marshalling yards or for the purpose of providing continuity of route. All vehicles operated under the provisions of this section shall conform

to the standards for such vehicles as prescribed by the United States Department of Transportation, Federal Highway Administration, Bureau of Motor Carrier Safety, and as may be amended.

~~Subd. 2. [DISPLAY.] The permit issued under this section shall at all times be carried in or upon the vehicle supplying the mode of power for the combination of vehicles for which it has been issued.~~

~~Subd. 3. [FEES.] The commissioner is authorized to charge a fee of $75 for such annual permit for each combination exceeding 55 but not more than 60 feet in length; and $200 for each combination exceeding 60 but not more than 65 feet in length. All such fees for permits issued by the commissioner shall be deposited in the state treasury and credited to the highway user tax distribution fund. This fee may be prorated in the same manner as registration fees are prorated pursuant to section 168.187. For those vehicles not covered by section 168.187 or reciprocal agreements pursuant to section 168.181, a trip fee of $10 for combinations exceeding 55 but not more than 60 feet in length and $20 for combinations exceeding 60 but not more than 65 feet in length may be charged.~~''

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after ''regulations'' insert ''; increasing the length of certain vehicles''

Page 1, line 3, after ''vehicles'' insert ''; directing the commissioner of transportation to conduct certain studies; clarifying the operation of certain combination vehicles''

Page 1, line 4, delete ''Section'' and insert ''Sections 169.81, Subdivision 3;''

Page 1, line 4, after ''5'' insert '', and by adding a subdivision; and 169.861''

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

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

S. F. No. 370: A bill for an act relating to transportation; including motels within the specific information signing program; amending Minnesota Statutes 1980, Sections 160.292; 160.293, Subdivisions 1 and 3; and 160.295, Subdivision 3.

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

Page 1, line 19, after ''area'' insert '', *motel, or resort*''

Page 2, line 21, strike everything after the period

Page 2, strike lines 22 and 23

Page 2, after line 23, insert:

''Sec. 3. Minnesota Statutes 1980, Section 160.293, Subdivision 2, is amended to read:

Subd. 2. [SPECIFIC SERVICE SIGNS ON NONFREEWAY HIGHWAYS.] A specific service sign may ~~not~~ be ~~included in the signing of trunk highway intersections~~ *erected at the intersection of a trunk highway with a*

local road, on bypasses of outstate municipalities, and subject to prior approval of the federal highway administration at the intersection of two trunk highways. A specific service sign may not be erected if the place of business is readily visible or effective directional advertising is visible or the sign can be legally and effectively located near the intersection. ~~Specific service signs may be placed on the approaches of a trunk highway intersection with a local road.~~"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after "1" insert ", 2,"

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

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

S. F. No. 620: A bill for an act relating to economic development; extending the date on which the report of the conference on small business is due; extending the life of certain appropriations; amending Laws 1980, Chapter 613, Sections 4 and 5.

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

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

S. F. No. 416: A bill for an act relating to labor and employment; status of certain tenured private college employees under compulsory retirement laws; amending Minnesota Statutes 1980, Section 181.811.

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

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

S. F. No. 164: A bill for an act relating to workers' compensation; regulating insurance companies reserves for claims; providing the possibility of premium refunds for non-experience rated employers; amending Minnesota Statutes 1980, Section 79.071, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 79.

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 1980, Section 79.071, is amended by adding a subdivision to read:

Subd. 4a. The Legislature finds that in the enactment of Laws 1975, Chapter 359, Section 20, it did not require identical inflationary assumptions to be applied both to probable required levels of compensation and to probable reserve necessary to meet those compensation payments.

Thus, in any case where an insurer bases its estimate of the amounts required to be reserved in any part on the operation of section 176.645, any assumption as to reserves required due to the operation of that section shall be offset by an

assumption that the amount initially reserved shall be invested and yield a return equal to the assumption as to the annual increase in the statewide average weekly wage, subject to a limitation of six percent a year. In addition, the commissioner shall, in determining rates, fully reflect the investment earnings of insurers which arise from the sale of workers' compensation insurance, either by use of at least a six percent discount rate in determining the reserves necessary for all claims, or by the use of an alternative methodology which the commissioner finds is more appropriate. Insurers shall provide the commissioner with any information he requests so as to arrive at the determination required by this subdivision. This provision is remedial in nature and is to be liberally construed in achieving its end."

Pages 1 to 2, delete section 2

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete "; providing the"

Page 1, delete line 4

Page 1, line 5, delete "rated employers"

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

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

H. F. Nos. 87 and 201 for comparison with companion Senate Files, reports the following House Files were found not identical with their companion Senate Files 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.
87	66				
201	202				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 87 be amended as follows:

Page 2, line 18, after the first "*of*" insert "*a*"

And when so amended H. F. No. 87 will be identical to S. F. No. 66, and further recommends that H. F. No. 87 be given its second reading and substituted for S. F. No. 66, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 201 be amended as follows:

Page 1, line 18, reinstate the stricken "transportation or department of"

Page 2, delete lines 28 and 29

Amend the title as follows:

Page 1, lines 3 and 4, delete "department of public safety" and insert "public safety department"

And when so amended H. F. No. 201 will be identical to S. F.No. 202, and further recommends that H. F. No. 201 be given its second reading and substituted for S. F. No. 202, 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. Schmitz from the Committee on Veterans' Affairs, to which was referred the following appointment as reported in the Journal for February 16, 1981:

DEPARTMENT OF VETERANS' AFFAIRS
COMMISSIONER

Charles T. Pinkham

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. Tennessen from the Committee on Commerce, to which was referred the following appointment as reported in the Journal for March 5, 1981:

PUBLIC UTILITIES COMMISSION

Marcelle (Terry) Hoffman

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. Tennessen from the Committee on Commerce, to which was referred the following appointment as reported in the Journal for January 19, 1981:

DEPARTMENT OF PUBLIC SERVICE
DIRECTOR, ADMINISTRATIVE DIVISION

Richard L. Auld

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

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

SECOND READING OF SENATE BILLS

S. F. Nos. 264, 345, 329, 182, 454, 95, 375, 275, 88, 347, 331, 400, 34, 302, 249, 244, 2, 352, 549, 291, 253, 459, 323, 537, 370, 620, 416 and 164 were read the second time.

SECOND READING OF HOUSE BILLS

H. F. Nos. 71, 87 and 201 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Wegener moved that the name of Mr. Hanson be stricken and Mr. Pehler be added as co-author to S. F. No. 73. The motion prevailed.

Mr. Knutson moved that his name be stricken as co-author to S. F. No. 138. The motion prevailed.

Mr. Pillsbury moved that the name of Mr. Ulland be added as co-author to S. F. No. 219. The motion prevailed.

Mrs. Lantry moved that the name of Mr. Sikorski be added as co-author to S. F. No. 263. The motion prevailed.

Mr. Olhoft moved that the name of Mr. Dahl be added as co-author to S. F. No. 286. The motion prevailed.

Mr. Wegener moved that the name of Mr. Ramstad be added as co-author to S. F. No. 331. The motion prevailed.

Mr. Pehler moved that the name of Mr. Dahl be added as co-author to S. F. No. 480. The motion prevailed.

Mr. Kroening moved that the name of Mr. Dahl be added as co-author to S. F. No. 562. The motion prevailed.

Mr. Solon moved that the names of Messrs. Sikorski and Ulland be added as co-authors to S. F. No. 573. The motion prevailed.

Mr. Kroening moved that the names of Mrs. Stokowski and Mr. Dahl be added as co-authors to S. F. No. 597. The motion prevailed.

Mr. Menning moved that the name of Mr. Bertram be added as co-author to S. F. No. 600. The motion prevailed.

Mr. Merriam moved that the name of Mr. Purfeerst be added as co-author to S. F. No. 623. The motion prevailed.

Mr. Davies, for Mr. Keefe, introduced—

Senate Concurrent Resolution No. 4: A Senate concurrent resolution relating to commemoration of the centennial of the appointment of William Mitchell as Associate Justice of the Minnesota Supreme Court.

WHEREAS, William Mitchell was born on November 19, 1832, at Stamford, Ontario, Canada; and,

WHEREAS, he graduated from Jefferson College in 1853, where he was known as a "determined scholar" in Latin, Greek, logic, and mathematics; and,

WHEREAS, he read law in Virginia and was admitted to the Virginia bar in 1857; and,

WHEREAS, he came to Winona, Minnesota, by steamboat in 1857 to open a law office; and,

WHEREAS, he practiced law until 1873 when he was elected to the district court bench; and,

WHEREAS, he was appointed as an associate justice of the Minnesota Supreme Court on March 9, 1881, and served until he retired in 1899; and,

WHEREAS, during his service on the Minnesota Supreme Court he wrote over 1,600 opinions known for their conciseness and clarity and which formed the basis of much of Minnesota's common law especially in the areas of contracts, agency, and torts; and,

WHEREAS, he was also active in the business of banking and railroading

during Minnesota's formative years; and,

WHEREAS, he served in Minnesota's 2nd Legislature and was active in many other civic and service projects; and,

WHEREAS, William Mitchell died on August 21, 1900, at the age of 67; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Minnesota, the House concurring, that, on the centennial of his appointment as Associate Justice of the Minnesota Supreme Court, it commends to the people of the State of Minnesota the record of Justice William Mitchell as a life, work, and spirit worth emulation. It recognizes his contribution to the law and life of Minnesota.

BE IT FURTHER RESOLVED that the Secretary of the Senate is directed to prepare two enrolled copies of this resolution, to be authenticated by his signature and those of the President, the Chief Clerk of the House of Representatives, and Speaker of the House of Representatives, and to present one to a representative of the descendants of Justice Mitchell and one to the Dean of William Mitchell College of Law.

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

Mr. Bertram introduced—

Senate Concurrent Resolution No. 5: A Senate concurrent resolution relating to the proclamation of Minnesota Agriculture Day in connection with National Agriculture Day.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Menning introduced—

Senate Resolution No. 23: A Senate resolution calling for a moratorium on the Department of Natural Resources public waters and wetlands survey.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Johnson moved that S. F. No. 95, on General Orders, be stricken and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

CONFIRMATION

Mr. Tennessen moved that the report from the Committee on Commerce, reported February 26, 1981, pertaining to appointments, be taken from the table. The motion prevailed.

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

Mr. Tennessen moved that in accordance with the report from the Committee on Commerce, reported February 26, 1981, the Senate, having given its advice, do now consent to and confirm the appointment of:

PUBLIC UTILITIES COMMISSION

Leo G. Adams, 7200 39th Avenue North, New Hope, Hennepin County, effective June 19, 1980, for a term expiring the first Monday in January, 1986.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Mr. Spear moved that the report from the Committee on Public Employees and Pensions, reported March 2, 1981, pertaining to appointments, be taken from the table. The motion prevailed.

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

Mr. Spear moved that in accordance with the report from the Committee on Public Employees and Pensions, reported March 2, 1981, the Senate, having given its advice, do now consent to and confirm the appointments of:

PUBLIC EMPLOYMENT RELATIONS BOARD

Thomas G. Arneson, 1159 Pike Lake Drive, New Brighton, Ramsey County, effective June 12, 1980, for a term expiring the first Monday in January, 1984.

Don L. Bye, 609 West Second Street, Duluth, St. Louis County, effective June 12, 1980, for a term expiring the first Monday in January, 1981.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Mr. Solon moved that the report from the Committee on Health, Welfare and Corrections, reported February 26, 1981, pertaining to appointments, be taken from the table. The motion prevailed.

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

Mr. Solon moved that in accordance with the report from the Committee on Health, Welfare and Corrections, reported February 26, 1981, the Senate, having given its advice, do now consent to and confirm the appointment of:

GILLETTE HOSPITAL BOARD

Judge Sidney P. Abramson, 1690 Bohland Avenue, St. Paul, Ramsey County, effective April 7, 1980, for a term expiring the first Monday in January, 1983.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Mr. Merriam moved that the report from the Committee on Agriculture and Natural Resources, reported March 5, 1981, pertaining to appointments, be taken from the table. The motion prevailed.

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

Mr. Merriam moved that in accordance with the report from the Committee on Agriculture and Natural Resources, reported March 5, 1981, the Senate, having given its advice, do now consent to and confirm the appointments of:

STATE SOIL AND WATER CONSERVATION BOARD

Neil Saxton, Route 1, Box 224, Fairmont, Martin County, effective Febru-

ary 8, 1980, for a term expiring the first Monday in January, 1984.

Wayne C. Haglin, Route 2, Staples, Wadena County, effective October 8, 1980, for a term expiring the first Monday in January, 1982.

MINNESOTA WATER RESOURCES BOARD

Glenn A. Kinneberg, Route 1, Spring Grove, Houston County, effective February 1, 1980, for a term expiring the first Monday in January, 1984.

MINNESOTA POLLUTION CONTROL AGENCY

Virgil C. Herrick, 477 Rice Creek Terrace, Fridley, Anoka County, effective January 7, 1980, for a term expiring the first Monday in January, 1984.

Dr. Wallace W. Nelson, Box 428, Lamberton, Redwood County, effective January 7, 1980, for a term expiring the first Monday in January, 1983.

Dr. Howard Andersen, 1072 Plummer Lane, Rochester, Olmsted County, effective April 13, 1979, for a term expiring the first Monday in January, 1983.

STATE LIVESTOCK SANITARY BOARD

Jerry Rypka, Box 5, 18th Street SE, Owatonna, Steele County, effective April 16, 1979, for a term expiring the first Monday in January, 1983.

Dr. Robert L. Mersch, 301 E. Lincoln, Fairfax, Renville County, effective June 3, 1980, for a term expiring the first Monday in January, 1984.

ENVIRONMENTAL EDUCATION BOARD

Lee H. Grim, P.O. Box 494A, Route 8, Forest Point, International Falls, Koochiching County, effective June 3, 1980, for a term expiring the first Monday in January, 1982.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Mr. Olhoft moved that the report from the Committee on General Legislation and Administrative Rules, reported February 26, 1981, pertaining to appointments, be taken from the table. The motion prevailed.

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

Mr. Olhoft moved that in accordance with the report from the Committee on General Legislation and Administrative Rules, reported February 26, 1981, the Senate, having given its advice, do now consent to and confirm the appointments of:

CRIME CONTROL PLANNING BOARD

Elwood Bissett, 851 McKinley Place South, St. Cloud, Stearns County, effective February 1, 1980, for a term expiring the first Monday in January, 1984.

Helen I. Kelly, 3006 Kellogg Square, St. Paul, Ramsey County, effective September 22, 1980, for a term expiring the first Monday in January, 1981.

John D. Wunsch, 4540 Aldrich Avenue South, Minneapolis, Hennepin County, effective February 1, 1980, for a term expiring the first Monday in January, 1984.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Mr. Olhoft moved that the report from the Committee on General Legislation and Administrative Rules, reported February 26, 1981, pertaining to appointments, be taken from the table. The motion prevailed.

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

Mr. Olhoft moved that in accordance with the report from the Committee on General Legislation and Administrative Rules, reported February 26, 1981, the Senate, having given its advice, do now consent to and confirm the appointment of:

CRIME CONTROL PLANNING BOARD

Charlton Dietz, 1 Birch Lane, North Oaks, Ramsey County, effective May 1, 1980, for a term expiring the first Monday in January, 1981.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Mr. Olhoft moved that the report from the Committee on General Legislation and Administrative Rules, reported March 5, 1981, pertaining to appointments, be taken from the table. The motion prevailed.

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

Mr. Olhoft moved that in accordance with the report from the Committee on General Legislation and Administrative Rules, reported March 5, 1981, the Senate, having given its advice, do now consent to and confirm the appointments of:

BOARD OF THE ARTS

Philip Brunelle, 4211 Glencrest Road, Golden Valley, Hennepin County, effective March 17, 1980, for a term expiring the first Monday in January, 1984.

Mary E. Leach, 424 Prospect, Owatonna, Steele County, effective March 17, 1980, for a term expiring the first Monday in January, 1984.

Daniel K. Peterson, 5200 Drew Avenue South, Minneapolis, Hennepin County, effective March 17, 1980, for a term expiring the first Monday in January, 1984.

The motion prevailed. So the appointments were confirmed.

CONSENT CALENDAR

H.F. No. 44: A bill for an act relating to health; repealing a certain administrative rule of the department of health unconditionally prohibiting double beds

in nursing homes and boarding care homes; exempting out of state physicians from licensing regulations under certain conditions; amending Minnesota Statutes 1980, Section 147.09.

Mr. Penny moved that H. F. No. 44, No. 1 on the Consent Calendar, be stricken and placed at the top of General Orders. The motion prevailed.

H. F. No. 45: A bill for an act relating to health; repealing a certain administrative rule of the department of health unconditionally prohibiting the use of locks on patient room doors in nursing homes.

Mr. Penny moved that H. F. No. 45, No. 2 on the Consent Calendar, be stricken and placed second on General Orders. The motion prevailed.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Menning in the chair.

After some time spent therein, the committee arose, and Mr. Menning reported that the committee had considered the following:

S. F. No. 52, which the committee recommends to pass.

S. F. No. 142, which the committee recommends be returned to the Committee on Local Government and Urban Affairs.

S. F. No. 46, which the committee recommends be returned to the Committee on Judiciary.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Dieterich, Johnson and Mrs. Lantry introduced—

S.F. No. 636: A bill for an act relating to taxation; providing that the disallowance of income tax deductions relating to substandard housing shall not expire; amending Laws 1975, Chapter 226, Section 4, as amended.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Wegener, Chmielewski, Davis, Rued and Lessard introduced—

S.F. No. 637: A bill for an act relating to state departments; providing for maintaining museums of Minnesota military history at Fort Snelling and Camp Ripley; appropriating money.

Referred to the Committee on Governmental Operations.

Mr. Pillsbury introduced—

S.F. No. 638: A bill for an act relating to local government; providing conditions for the establishment and dissolution of charter commissions; amending Minnesota Statutes 1980, Section 410.05, Subdivision 1, and by adding a subdivision.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Schmitz, Vega, Hughes, Engler and Sikorski introduced—

S.F. No. 639: A bill for an act relating to metropolitan government; requiring that metropolitan council districts be apportioned after the 1980 federal census; amending Minnesota Statutes 1980, Section 473.123, Subdivision 2.

Referred to the Committee on Elections and Reapportionment.

Messrs. Knutson, Ramstad, Mrs. Kronebusch, Messrs. Merriam and Lessard introduced—

S.F. No. 640: A bill for an act relating to crimes; prohibiting the possession, manufacture, or delivery of drug paraphernalia; prohibiting the delivery of drug paraphernalia to minors; prohibiting the advertisement of drug paraphernalia; providing for civil forfeiture of drug paraphernalia; prohibiting the sale of cigarette paper or the means for making cigarettes if there is knowledge or reason to believe that the items will be used in violation of the controlled substance law; prohibiting owners of real property to lease or otherwise permit the use of their property for the retail sale of drug paraphernalia; prescribing penalties; amending Minnesota Statutes 1980, Sections 152.01, by adding subdivisions; 152.19, Subdivisions 1 and 3; proposing new law coded in Minnesota Statutes, Chapter 152.

Referred to the Committee on Judiciary.

Messrs. Tennessen, Petty, Stern, Davies and Keefe introduced—

S.F. No. 641: A bill for an act relating to financial institutions; providing for uniform administration of liquidity reserve requirements among deposit institutions; amending Minnesota Statutes 1980, Sections 46.04, Subdivision 1; 50.175; and 52.17; proposing new law coded in Minnesota Statutes, Chapters 48; and 51A; and repealing Minnesota Statutes 1980, Sections 48.22; and 51A.36.

Referred to the Committee on Commerce.

Messrs. Tennessen, Petty, Stern, Davies and Keefe introduced—

S.F. No. 642: A bill for an act relating to financial institutions; authorizing establishment of detached facilities resulting from mergers and consolidations; amending Minnesota Statutes 1980, Sections 49.34; 49.36; and 49.45.

Referred to the Committee on Commerce.

Mr. Frank introduced—

S.F. No. 643: A bill for an act relating to commerce; prohibiting producers or refiners of petroleum from operating retail service stations with company personnel; providing exceptions; defining certain terms; providing for enforcement; proposing new law coded in Minnesota Statutes, Chapter 325E.

Referred to the Committee on Commerce.

Mr. Sieloff introduced—

S.F. No. 644: A bill for an act relating to taxation; providing that certain

debts may be satisfied by set-off of income tax refunds; proposing new law coded in Minnesota Statutes, Chapter 518.

Referred to the Committee on Judiciary.

Messrs. Rued, Humphrey, Taylor and Olhoft introduced—

S.F. No. 645: A bill for an act relating to cemeteries; requiring public cemeteries having permanent care and improvement funds to file a notice and an annual report with the county auditor; amending Minnesota Statutes 1980, Section 306.761.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Engler introduced—

S.F. No. 646: A bill for an act relating to transportation; delaying the effective date of the laws establishing and prescribing the powers and duties of the transportation regulation board; amending Laws 1980, Chapter 534, Section 87.

Referred to the Committee on Transportation.

Mr. Sieloff introduced—

S.F. No. 647: A bill for an act relating to taxation; providing that the rate of interest on delinquent taxes other than property taxes shall be adjusted according to the prime rate charged by banks; providing that the rate of interest on refunds on overpayments of taxes other than property taxes shall be adjusted according to the prime rate charged by banks; amending Minnesota Statutes 1980, Sections 270.75, by adding a subdivision; 290.50, Subdivision 1; 290.92, Subdivisions 11 and 13; 290.93, Subdivision 9; 290.936; 290A.07, Subdivision 4; 291.18; 293.09; 293.11; 294.09, Subdivision 1; 297A.35, Subdivision 1; 299.08; 299.10; and 340.492; proposing new law coded in Minnesota Statutes, Chapter 270.

Referred to the Committee on Taxes and Tax Laws.

Mr. Sieloff introduced—

S.F. No. 648: A bill for an act relating to marriage dissolution; adopting the revised uniform reciprocal enforcement of support act; proposing new law coded as Minnesota Statutes, Chapter 518C; repealing Minnesota Statutes 1980, Sections 518.41 to 518.53.

Referred to the Committee on Judiciary.

Mr. Sieloff introduced—

S.F. No. 649: A bill for an act relating to probate; limiting benefits under life insurance policies payable to corporations to portion of shares not owned by person who killed decedent; establishing procedures for distribution of unpaid benefits; amending Minnesota Statutes 1980, Section 524.2-803.

Referred to the Committee on Judiciary.

Messrs. Pehler, Willet and Penny introduced—

S.F. No. 650: A bill for an act relating to education; providing for the

inclusion of certain community college and state university faculty members in the definition of an employee under the public employee labor relations act of 1971; amending Minnesota Statutes 1980, Section 179.63, Subdivision 7.

Referred to the Committee on Public Employees and Pensions.

Messrs. Langseth, Olhoft, Dicklich and Davis introduced—

S.F. No. 651: A bill for an act relating to education; clarifying and removing references to a school district building energy report; repealing an obsolete provision requiring a study and report on school district energy management personnel; amending Minnesota Statutes 1980, Section 116H.126, Subdivisions 2, 4, and 5; repealing Minnesota Statutes 1980, Section 116H.126, Subdivisions 1 and 7.

Referred to the Committee on Energy and Housing.

Mr. Langseth introduced—

S.F. No. 652: A bill for an act relating to education; authorizing Independent School District No. 152 to place proceeds from the sale of buildings and real property in the capital expenditure fund.

Referred to the Committee on Education.

Messrs. Dicklich, Ulland, Solon and Johnson introduced—

S.F. No. 653: A bill for an act relating to courts; authorizing the judges of the sixth judicial district to set the salaries of court reporters.

Referred to the Committee on Judiciary.

Messrs. Langseth and Hanson introduced—

S.F. No. 654: A bill for an act relating to the city of Moorhead; authorizing imposition of a tax on the gross receipts from the furnishing of certain lodging.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Spear, Tennessen, Johnson, Solon and Bang introduced—

S.F. No. 655: A bill for an act relating to financial institutions; authorizing demand deposits for members of credit unions; permitting the purchase and sale of loans; amending Minnesota Statutes 1980, Section 52.04.

Referred to the Committee on Commerce.

Mr. Sieloff, Mrs. Lantry and Mr. Waldorf introduced—

S.F. No. 656: A bill for an act relating to coroners; eliminating the requirement of filing a certificate of no inquest; amending Minnesota Statutes 1980, Section 390.17.

Referred to the Committee on Judiciary.

Messrs. Merriam; Tennessen; Peterson, R.W.; Sieloff and Davies introduced—

S.F. No. 657: A bill for an act relating to courts; providing for additional clerk and administrator duties in conciliation court; providing for a procedure

to assist in collection of conciliation court judgments; changing certain deadlines; providing penalties; amending Minnesota Statutes 1980, Sections 487.30, by adding a subdivision; 488A.13, Subdivision 2; 488A.14, Subdivisions 4 and 5; 488A.16, Subdivisions 2, 5, 6 and 8; 488A.17, Subdivisions 2 and 3; 488A.30, Subdivision 2; 488A.31, Subdivisions 4 and 5; 488A.33, Subdivisions 2, 5, 7 and 8; 488A.34, Subdivisions 2 and 12.

Referred to the Committee on Judiciary.

Messrs. Sieloff, Knutson and Ramstad introduced—

S.F. No. 658: A bill for an act relating to taxation; income; providing a 60 percent exclusion of capital gain from the sale of a residence; amending Minnesota Statutes 1980, Section 290.01, Subdivision 20; and 290.091.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Tennessen, Solon, Bang, Stern and Mrs. Brataas introduced—

S.F. No. 659: A bill for an act relating to financial institutions; providing a usury exemption on open end credit extended in the use of bank credit cards; detailing certain notice requirements; regulating the charges for certain types of insurance issued in connection with the extension of such credit; amending Minnesota Statutes 1980, Section 48.185, Subdivisions 3 and 4, and by adding a subdivision; repealing Minnesota Statutes 1980, Section 48.185, Subdivision 4a.

Referred to the Committee on Commerce.

Messrs. Schmitz and Renneke introduced—

S.F. No. 660: A bill for an act relating to counties; providing correct references to certain civil service procedures; amending Minnesota Statutes 1980, Sections 375.58, Subdivision 3; and 375.62.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Pehler, Bertram, Davis, Willet and Bernhagen introduced—

S.F. No. 661: A bill for an act relating to county courts; establishing the responsibility for prosecution of violations; establishing the manner of disposition of fines, fees and other moneys; amending Minnesota Statutes 1980, Sections 487.25, Subdivision 10; and 487.33, Subdivision 5; repealing Minnesota Statutes 1980, Section 487.33, Subdivision 6.

Referred to the Committee on Judiciary.

Messrs. Petty, Frank and Bang introduced—

S.F. No. 662: A bill for an act relating to commerce; providing for examinations of financial institutions; providing for the proportioning of annual assessments; providing uniform retention periods for records; clarifying the definition of financial institution; clarifying the distance drive-in or walk-up facilities may be located from a detached facility under certain circumstances; clarifying the notice and approval procedures and judicial review procedures for detached facilities; providing that voting equity in a bank's holding company satisfies the stock requirement of a director; providing additional time for submitting certain bank reports and authorizes acceptance of certain substitute

reports; clarifying certain withdrawal provisions applicable to savings associations; requiring credit unions to obtain a commitment for insurance of accounts prior to approval of its application for organization; expanding the exemption from the licensing requirement for sales finance companies to include certain other financial institutions; providing for a compliance exam of sales finance companies once every two years instead of annually; removing certain obsolete provisions, including one in recognition of those statutory provisions which authorize full service detached facilities; amending Minnesota Statutes 1980, Sections 46.04, Subdivision 1; 46.131, Subdivision 4; 46.21; 47.015, Subdivision 1; 47.52; 47.54; 48.06; 48.48; 51A.33; 52.01; 168.67; and 168.705; repealing Minnesota Statutes 1980, Sections 46.131, Subdivision 6; 47.17; and 48.34.

Referred to the Committee on Commerce.

Mr. Petty, Ms. Berglin, Messrs. Pehler, Dahl and Bang introduced—

S.F. No. 663: A bill for an act relating to taxation; real property; decreasing the classification ratio on apartments; amending Minnesota Statutes 1980, Section 273.13, Subdivision 19.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Luther, Purfeerst, Setzepfandt and Peterson, C.C. introduced—

S.F. No. 664: A bill for an act relating to water resources; altering certain provisions concerning the regulation of shoreland use and development in municipalities; amending Minnesota Statutes 1980, Section 105.485, Subdivision 6.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Penny, Solon, Spear and Sikorski introduced—

S.F. No. 665: A bill for an act relating to insurance; establishing standards applicable to accident or health insurance policies which purport to supplement medicare benefits; prescribing minimum levels of coverage; providing for certain disclosures; and prescribing penalties; proposing new law coded in Minnesota Statutes, Chapter 62A.

Referred to the Committee on Commerce.

Messrs. Bernhagen, Benson, Engler and Setzepfandt introduced—

S.F. No. 666: A bill for an act relating to agriculture; prohibiting pension funds from acquiring certain farm land; amending Minnesota Statutes 1980, Section 500.24, Subdivisions 3, 4 and 5.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Petty, Luther, Tennessen, Stern and Bang introduced—

S.F. No. 667: A bill for an act relating to financial institutions; setting application fees for industrial loan and thrifts; providing for publication of notices; establishing procedures for consideration of applications for consent to sell and issue certificates; increasing the minimum amounts for insurance of accounts; amending Minnesota Statutes 1980, Sections 53.03, Subdivision 1, and by adding subdivisions; and 53.10, Subdivision 1.

Referred to the Committee on Commerce.

Ms. Berglin, Messrs. Petty, Nelson, Mmes. Stokowski and Brataas introduced—

S.F. No. 668: A bill for an act relating to marriage; changing the fee for marriage licenses; providing funds for certain battered women and displaced worker programs; appropriating money; amending Minnesota Statutes 1980, Section 517.08, Subdivision 1b, and by adding a subdivision.

Referred to the Committee on Governmental Operations.

Messrs. Stern, Dieterich, Ramstad, Petty and Sikorski introduced—

S.F. No. 669: A bill for an act relating to condominiums; providing for certain amendments to the declaration, bylaws, or floor plans of a condominium; amending Minnesota Statutes 1980, Section 515A.1-102.

Referred to the Committee on Judiciary.

Messrs. Stern, Keefe, Schmitz, Ms. Berglin and Mr. Peterson, C.C. introduced—

S.F. No. 670: A bill for an act relating to taxation; exempting certain income of elderly persons from taxation; amending Minnesota Statutes 1980, Section 290.01, Subdivision 20.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Dahl and Davies introduced—

S.F. No. 671: A bill for an act relating to crimes; conforming the definition of trade secret in the law proscribing theft to the definition of trade secret in the uniform trade secrets act; amending Minnesota Statutes 1980, Section 609.52, Subdivision 1.

Referred to the Committee on Judiciary.

Mr. Benson introduced—

S.F. No. 672: A bill for an act relating to natural resources; authorizing the commissioner of natural resources to sell certain lands acquired for trail purposes.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Setzepfandt, Langseth, Olhoft and Bernhagen introduced—

S.F. No. 673: A bill for an act relating to transportation; providing for continued Amtrak service between Minneapolis-St. Paul to Fargo on the Empire Builder; appropriating money.

Referred to the Committee on Transportation.

Messrs. Peterson, C.C. and Moe, R.D. introduced—

S.F. No. 674: A resolution memorializing the President and Congress to seek a settlement of the White Earth Indian Reservation controversy.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Chmielewski introduced—

S.F. No. 675: A bill for an act relating to retirement; age for payment of lump sum service pensions by volunteer firefighters associations; amending Minnesota Statutes 1980, Section 422A.02, Subdivision 1.

Referred to the Committee on Public Employees and Pensions.

Mr. Dahl, Mrs. Stokowski, Messrs. Wegener, Hughes and Purfeerst introduced—

S.F. No. 676: A bill for an act relating to highway traffic regulation; authorizing and regulating the use of strobe lamps on school buses; amending Minnesota Statutes 1980, Section 169.64, by adding a subdivision.

Referred to the Committee on Transportation.

Mrs. Brataas, Messrs. Hughes, Merriam, Ramstad and Taylor introduced—

S.F. No. 677: A bill for an act relating to volunteer services; authorizing a volunteer incentive program; proposing new law coded in Minnesota Statutes, Chapter 4.

Referred to the Committee on Governmental Operations.

Messrs. Hughes, Waldorf and Stumpf introduced—

S.F. No. 678: A bill for an act relating to Ramsey county, providing for the administration of the soldiers' rest; amending Laws 1974, Chapter 435, Section 1.0212.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Dahl, Sikorski, Merriam, Davies and Sieloff introduced—

S.F. No. 679: A bill for an act relating to eminent domain; providing for the computation of interest rates on damages; amending Minnesota Statutes 1980, Section 117.195.

Referred to the Committee on Judiciary.

Messrs. Rued, Hughes, Purfeerst and Peterson, D.L. introduced—

S.F. No. 680: A bill for an act relating to education; adjusting amounts used to compute "replacement" levies and foundation aid in certain districts; amending Minnesota Statutes 1980, Section 124.212, by adding a subdivision.

Referred to the Committee on Education.

Messrs. Purfeerst, Hughes, Lindgren and Kroening introduced—

S.F. No. 681: A bill for an act relating to education; providing mobility incentives for teachers at the school for the deaf and at the braille and sight-saving school; amending Minnesota Statutes 1980, Section 354.094, Subdivisions 1, 3, 5 and 6; proposing new law coded in Minnesota Statutes, Chapters 128A and 354.

Referred to the Committee on Education.

Mr. Ramstad, Mrs. Brataas, Messrs. Nichols, Pillsbury and Belanger introduced—

S.F. No. 682: A bill for an act relating to workers' compensation; eliminating concurrent payment of permanent partial and permanent total benefits; creating an incentive to return to work; freezing the permanent partial maximum at $70; providing for payment in weekly installments; reforming the payment of permanent partial benefits; amending Minnesota Statutes 1980, Sections 176.021, Subdivision 3; and 176.101, Subdivision 3.

Referred to the Committee on Employment.

Ms. Berglin, Messrs. Sieloff and Davies introduced—

S.F. No. 683: A bill for an act relating to crimes; creating the crime of intrafamilial sexual abuse; amending Minnesota Statutes 1980, Sections 595.02; 609.348; 609.35; and 626.556, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 609.

Referred to the Committee on Judiciary.

Mr. Johnson introduced—

S.F. No. 684: A bill for an act relating to retirement; authorizing increases in benefits payable by the Eveleth police and fire trust fund.

Referred to the Committee on Public Employees and Pensions.

Messrs. Lindgren, Dieterich and Bernhagen introduced—

S.F. No. 685: A bill for an act relating to health; creating an office for prevention of problems related to use of drugs and alcohol; appropriating money; amending Minnesota Statutes 1980, Sections 254A.03, by adding a subdivision; and 254A.10.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Renneke, Knutson, Bernhagen and Pillsbury introduced—

S.F. No. 686: A bill for an act relating to creation of a budget stabilization bookkeeping account; providing for transfers into and out of the account; providing for the maintenance and administration of the account; relating the operation of the account to the budget process of this state; prescribing the powers and duties of certain state officers; amending Minnesota Statutes 1980, Sections 16A.11, by adding a subdivision; 16A.15, Subdivision 1; and proposing new law coded in Minnesota Statutes, Chapter 16A.

Referred to the Committee on Governmental Operations.

Messrs. Merriam, Johnson and Peterson, C.C. introduced—

S.F. No. 687: A bill for an act relating to taxation; income; property tax refund; making technical corrections; deleting obsolete provisions; amending Minnesota Statutes 1980, Sections 290.01, Subdivisions 3, 19, 20, 21, 22, 23, 25, 26, and 27; 290.011; 290.032, Subdivision 2; 290.06, Subdivisions 1, 2c, 3e, 3f, and 11; 290.07, Subdivision 3; 290.071, Subdivisions 2 and 3; 290.075; 290.077, Subdivisions 1 and 2; 290.079, Subdivision 6; 290.081; 290.085; 290.09, Subdivisions 1, 2, 4, 5, 6, 7, 10, 15, 18, 21, and 29; 290.10; 290.101, Subdivision 9; 290.12, Subdivisions 1, 2, and 4; 290.13,

Subdivision 5; 290.131, Subdivision 3; 290.132, Subdivision 1; 290.133, Subdivision 2; 290.134, Subdivision 1; 290.135, Subdivision 1; 290.14; 290.16, Subdivisions 1, 3, 7, 8, 9, 12, and 13; 290.17, Subdivision 2; 290.18, Subdivisions 1 and 2; 290.21, Subdivisions 1, 3, 3a, 4, and 7; 290.23, Subdivisions 2, 3, 5, 9, 10, and 15; 290.25, Subdivisions 2, 3, and 4; 290.26, Subdivisions 1, 2a, and 3; 290.28, Subdivision 1; 290.281, Subdivision 2; 290.31, Subdivisions 2, 3, 4, 6, 9, 10, 11, 21, and by adding a subdivision; 290.32; 290.34, Subdivision 3; 290.35; 290.39, Subdivision 1; 290.42; 290.45, Subdivision 3; 290.46; 290.48, Subdivision 2; 290.49, Subdivisions 1 and 4; 290.50, Subdivisions 1, 3, and 5; 290.53, Subdivisions 1 and 4; 290.56, Subdivisions 2, 3, and 4; 290.92, Subdivisions 1, 5, 6, 16, and 19; 290.93, Subdivisions 5 and 6; 290.932, Subdivisions 1 and 4; 290A.03, Subdivisions 3 and 13; 290A.04, Subdivisions 2 and 2c; 290A.06; and 290A.07, Subdivision 2; repealing Minnesota Statutes 1980, Sections 290.076; 290.131, Subdivisions 4, 5, 6, and 7; 290.133, Subdivision 3; 290.134, Subdivisions 2, 3, and 4; 290.135, Subdivisions 2, 3, and 4; 290.23, Subdivisions 11, 12, 13, and 14; 290.24; 290.26, Subdivisions 4 and 7; 290.60; 290.65, Subdivision 17; 290.931, Subdivision 4; 290.932, Subdivision 3; 290.933, Subdivision 3; and 290.934, Subdivision 6.

Referred to the Committee on Taxes and Tax Laws.

Ms. Berglin and Mr. Sikorski introduced—

S.F. No. 688: A bill for an act relating to health; requiring the registration of nursing pools; imposing requirements for registration; requiring the promulgation of rules; providing penalties; requiring the establishment of maximum reimbursement rates for nursing pools; amending Minnesota Statutes 1980, Section 256B.04, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 144.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Renneke, Berg, Rued, Taylor and Frederickson introduced—

S.F. No. 689: A bill for an act relating to the legislature; reducing by ten percent the compensation paid to members of the legislature; amending Minnesota Statutes 1980, Section 3.099, Subdivision 2.

Referred to the Committee on Governmental Operations.

Messrs. Peterson, C.C.; Spear; Renneke; Frederickson and Moe, D.M. introduced—

S.F. No. 690: A bill for an act relating to retirement; contributions and benefits of judges and survivors under the uniform retirement and survivors' annuities law; amending Minnesota Statutes 1980, Section 490.124, Subdivisions 9 and 12.

Referred to the Committee on Public Employees and Pensions.

Messrs. Spear, Solon, Sikorski and Ms. Berglin introduced—

S.F. No. 691: A bill for an act relating to corrections; providing programs for women offenders; establishing an advisory board on women offenders in corrections; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 241.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Dieterich introduced—

S.F. No. 692: A bill for an act relating to Ramsey County; stating positions in the unclassified county service; placing employees of the judicial district administrator's office in the unclassified service; amending Laws 1974, Chapter 435, Section 3.02, Subdivision 6, as amended.

Referred to the Committee on Judiciary.

Messrs. Davis, Lindgren, Dahl, Rued and Langseth introduced—

S.F. No. 693: A bill for an act relating to education; authorizing an aid and a levy to reduce class sizes; amending Minnesota Statutes 1980, Sections 124.212, by adding a subdivision; and 275.125, by adding a subdivision; repealing Minnesota Statutes 1980, Section 275.125, Subdivision 7b.

Referred to the Committee on Education.

Messrs. Stern, Tennessen, Petty, Mrs. Brataas and Mr. Spear introduced—

S.F. No. 694: A bill for an act relating to commerce; regulating the manufacture, importation, distribution, sale, leasing and alteration of manufactured homes; conforming state regulatory practices and the state manufactured home building code to federal law; providing for enforcement of the code; prohibiting certain practices; providing civil and criminal penalties; amending Minnesota Statutes 1980, Sections 327.31; 327.32; 327.33; and 327.34, Subdivisions 1, 3, and 4, and by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 327; repealing Minnesota Statutes 1980, Section 327.34, Subdivision 2.

Referred to the Committee on Commerce.

Messrs. Lindgren, Waldorf, Rued and Knutson introduced—

S.F. No. 695: A bill for an act relating to public welfare; providing access to criminal conviction data of certain applicants for licenses; amending Minnesota Statutes 1980, Section 245.783, Subdivision 3.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Rued introduced—

S.F. No. 696: A bill for an act relating to state lands; authorizing the exchange of certain state lands in Aitkin County.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Sikorski introduced—

S.F. No. 697: A bill for an act relating to commerce; regulating certain subdivided land sales, clarifying the regulation of subdivided lands; providing penalties; amending Minnesota Statutes 1980, Sections 83.20, Subdivisions 1, 5, 11, and by adding subdivisions; 83.21; 83.23; 83.24; 83.25, Subdivision 1; 83.26; 83.27; 83.28; 83.29, by adding subdivisions; 83.30; 83.31; 83.33; 83.34, Subdivision 1; 83.35; 83.36; 83.37; 83.38, Subdivision 2; 83.39; 83.40; 83.41; 83.42; and proposing new law coded in Minnesota Statutes, Chapter 83.

Referred to the Committee on Commerce.

Mr. Nelson introduced—

S.F. No. 698: A bill for an act relating to taxation; property; exempting property held longer than three years by a political subdivision for economic development purposes; amending Minnesota Statutes 1980, Section 272.02, Subdivision 5.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Setzepfandt, Purfeerst, Wegener and Engler introduced—

S.F. No. 699: A bill for an act relating to transportation; authorizing the commissioner of transportation to act as agent for political subdivisions for the construction of roads and bridges under certain circumstances; amending Minnesota Statutes 1980, Section 161.36, Subdivision 3.

Referred to the Committee on Transportation.

Messrs. Peterson, D.L.; Belanger; Rued; Ashbach and Fredrickson introduced—

S.F. No. 700: A resolution memorializing the President, Congress, and the United States Postal Service of Minnesota's opposition to the nine digit zip code.

Referred to the Committee on General Legislation and Administrative Rules.

Messrs. Knoll, Pehler and Stern introduced—

S.F. No. 701: A bill for an act relating to the board of boxing; requiring certain persons or organizations showing closed circuit boxing broadcasts to furnish a bond; amending Minnesota Statutes 1980, Section 341.05, Subdivision 2.

Referred to the Committee on Governmental Operations.

Mr. Taylor introduced—

S.F. No. 702: A bill for an act relating to courts; county conciliation court; clarifying that the court has jurisdiction of certain actions relating to possession or ownership of property; amending Minnesota Statutes 1980, Section 487.30, by adding a subdivision.

Referred to the Committee on Judiciary.

Messrs. Frederickson; Setzepfandt; Peterson, D.L.; Davis and Bertram introduced—

S.F. No. 703: A bill for an act relating to workers' compensation; permitting certain local units of government to join the reinsurance association; amending Minnesota Statutes 1980, Section 79.34, Subdivision 1.

Referred to the Committee on Employment.

Mr. Davies introduced—

S.F. No. 704: A bill for an act relating to tax increment financing; providing

that the establishment or modification of tax increment districts be approved by ordinance of the municipality in which the district is located; amending Minnesota Statutes 1980, Section 273.74, Subdivision 3.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Engler, Rued, Bernhagen and Spear introduced—

S.F. No. 705: A bill for an act relating to agriculture; establishing a grape research and development program funded by a portion of the wine excise tax; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 340.

Referred to the Committee on Agriculture and Natural Resources.

Mrs. Kronebusch, Messrs. Belanger and Ulland introduced—

S.F. No. 706: A bill for an act relating to local government; permitting the cities of Winona and Goodview to impose a tax on the gross receipts from furnishing certain lodging.

Referred to the Committee on Taxes and Tax Laws.

Mr. Pehler introduced—

S.F. No. 707: A bill for an act relating to family; providing for solemnization of marriages by certain court officers; amending Minnesota Statutes 1980, Section 517.04.

Referred to the Committee on Judiciary.

Messrs. Ashbach, Frederickson, Renneke and Spear introduced—

S.F. No. 708: A bill for an act relating to public employees; excluding the executive secretaries of certain state boards from bargaining units; amending Minnesota Statutes 1980, Section 179.74, Subdivision 4.

Referred to the Committee on Public Employees and Pensions.

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

S.F. No. 709: A bill for an act relating to occupations and professions; clarifying the definition of the scope of practice of doctors of optometry by authorizing the use of topical ocular diagnostic drugs; proposing new law coded in Minnesota Statutes, Section 148.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Peterson, R.W. and Langseth introduced—

S.F. No. 710: A bill for an act relating to education; authorizing an additional capital expenditure levy limitation; amending Minnesota Statutes 1980, Section 275.125, Subdivision 11a, and by adding a subdivision.

Referred to the Committee on Education.

Messrs. Wegener and Langseth introduced—

S.F. No. 711: A bill for an act relating to education; allowing a school

district to make additional permanent transfers from the pupil transportation fund appropriated for bus purchases to the capital expenditure fund; eliminating a requirement that a levy be reduced by the amount of the transfer; extending the power of certain school districts to pay claims before board approval; amending Minnesota Statutes 1980, Sections 121.912, Subdivision 1; and 123.35, Subdivision 15.

Referred to the Committee on Education.

Mrs. Lantry and Mr. Waldorf introduced—

S.F. No. 712: A bill for an act relating to retirement; city of St. Paul public housing agency; transferring retirement coverage for certain public employees; amending Laws 1977, Chapter 228, Section 3.

Referred to the Committee on Public Employees and Pensions.

Mrs. Lantry, Messrs. Frederick, Engler and Schmitz introduced—

S.F. No. 713: A bill for an act relating to drivers licenses; increasing fees for motorized bicycle operator permits and for driver licenses; establishing a fee for the Minnesota identification card; providing for uniform application fees; requiring reexamination before issuance of a new drivers license after revocation; amending Minnesota Statutes 1980, Sections 171.02, Subdivision 3; 171.06, Subdivisions 1, 2 and 4; 171.07, Subdivision 3; and 171.29.

Referred to the Committee on Transportation.

Mr. Chmielewski introduced—

S.F. No. 714: A bill for an act relating to financial institutions; narrowing a certain exemption relating to the payment of interest on certain escrow accounts; amending Minnesota Statutes 1980, Section 47.20, Subdivision 9.

Referred to the Committee on Commerce.

Mr. Chmielewski introduced—

S.F. No. 715: A bill for an act relating to counties; making state land subject to county land use planning and zoning; amending Minnesota Statutes 1980, Section 394.24, Subdivision 3.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Chmielewski introduced—

S.F. No. 716: A bill for an act relating to workers' compensation; allowing the special compensation fund the right of subrogation to the rights of the employee or employee's dependents under certain circumstances; amending Minnesota Statutes 1980, Section 176.061, Subdivisions 1, 3, 4, 5, 6, and 7.

Referred to the Committee on Employment.

Mr. Chmielewski introduced—

S.F. No. 717: A bill for an act relating to state government; providing for a cafeteria operation revolving fund; appropriating money; proposing new law to be coded in Minnesota Statutes, Chapter 16.

Referred to the Committee on Governmental Operations.

Mr. Willet introduced—

S.F. No. 718: A bill for an act relating to marriage; making the age of consent requirements for boys the same as for girls; amending Minnesota Statutes 1980, Section 517.02.

Referred to the Committee on Judiciary.

Mr. Johnson introduced—

S.F. No. 719: A bill for an act relating to parks; removing authority to lease certain lands within Tettegouche state park; repealing Laws 1979, Chapter 301, Section 10, Subdivision 7.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Chmielewski introduced—

S.F. No. 720: A bill for an act relating to taxation; exempting certain property purchased by the federal government pursuant to the Wild and Scenic Rivers Act; amending Minnesota Statutes 1980, Section 272.02, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Frank and Luther introduced—

S.F. No. 721: A bill for an act relating to insurance; requiring agents to possess a chartered life underwriter's designation or equivalent experience as a condition precedent to obtaining a license as to certain lines of insurance; proposing new law coded in Minnesota Statutes 1980, Chapter 60A.

Referred to the Committee on Commerce.

Messrs. Frank, Luther and Davies introduced—

S.F. No. 722: A bill for an act relating to employment; providing for workers' compensation and unemployment compensation coverage for certain insurance agents; amending Minnesota Statutes 1980, Sections 176.011, Subdivision 9; and 268.04, Subdivision 12.

Referred to the Committee on Employment.

Mr. Merriam introduced—

S.F. No. 723: A bill for an act relating to education; slowing the phase-out of special education services for certain handicapped pupils over age 21; eliminating a restriction on eligibility for those special education services; amending Minnesota Statutes 1980, Section 120.17, Subdivision 1a.

Referred to the Committee on Education.

Messrs. Peterson, C.C.; Bertram; Engler and Lessard introduced—

S.F. No. 724: A bill for an act relating to game and fish; altering requirements for taking and possession; prescribing penalties; amending Minnesota Statutes 1980, Sections 97.4841, Subdivision 2; 98.45, Subdivision 1; 98.46, Subdivisions 2 and 14; 98.47, Subdivision 7; 98.52, Subdivision 1; 99.27, Subdivision 1; and 101.42, Subdivision 10.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Peterson, C.C. introduced—

S.F. No. 725: A bill for an act relating to Independent School District No. 22, Detroit Lakes; appropriating money.

Referred to the Committee on Education.

Messrs. Stern, Luther, Davies and Tennessen introduced—

S.F. No. 726: A bill for an act relating to insurance; modifying the definition of a covered claim for purposes of the state's insurance guaranty association act; amending Minnesota Statutes 1980, Section 60C.09, Subdivision 1.

Referred to the Committee on Commerce.

Messrs. Pillsbury, Spear and Frederickson introduced—

S.F. No. 727: A bill for an act relating to retirement; providing for membership of employees of the Suburban Public Health Nursing Service, Incorporated, in the Public Employees Retirement Association; and authorizing the purchase of prior service credits therein.

Referred to the Committee on Public Employees and Pensions.

Mr. Lessard introduced—

S.F. No. 728: A bill for an act relating to the city of Northome; authorizing the establishment of detached banking facilities.

Referred to the Committee on Commerce.

Messrs. Petty, Benson and Sikorski introduced—

S.F. No. 729: A bill for an act relating to commerce; requiring disclosure in motor vehicle transactions; proposing new law coded in Minnesota Statutes, Chapter 168.

Referred to the Committee on Commerce.

Messrs. Petty, Benson and Sikorski introduced—

S.F. No. 730: A bill for an act relating to commerce; requiring invoices on certain repairs; amending Minnesota Statutes 1980, Sections 325F.60; and 325F.64.

Referred to the Committee on Commerce.

Mr. Willet introduced—

S.F. No. 731: A bill for an act relating to courts; prescribing salaries for judges not learned in the law; amending Minnesota Statutes 1980, Section 15A.083, Subdivision 1.

Referred to the Committee on Judiciary.

Messrs. Petty, Frank and Keefe introduced—

S.F. No. 732: A bill for an act relating to insurance; revising the statutory

provisions relating to surplus lines insurance; clarifying its operation and coverage; providing penalties; proposing new law coded in Minnesota Statutes, Chapter 60A; repealing Minnesota Statutes 1980, Section 60A.20.

Referred to the Committee on Commerce.

Messrs. Hanson; Peterson, D.L.; Dahl; Lessard and Menning introduced—

S.F. No. 733: A bill for an act relating to agriculture; regulating alien ownership of land; providing for permanent resident alien and loss of status; amending Minnesota Statutes 1980, Section 500.221.

Referred to the Committee on Judiciary.

Messrs. Pehler, Davis and Dicklich introduced—

S.F. No. 734: A bill for an act relating to economic development; providing grants to colleges and universities receiving federal small business management grants; appropriating money.

Referred to the Committee on Employment.

Messrs. Dicklich, Johnson and Solon introduced—

S.F. No. 735: A bill for an act relating to local government; regulating the tax levy of the joint recreation and park board of the city of Hibbing and Independent School District 701; amending Laws 1971, Chapter 573, Section 2.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Petty, Dahl and Kroening introduced—

S.F. No. 736: A bill for an act relating to taxation; providing a sales and use tax exemption for energy conservation and renewable energy source devices and materials; amending Minnesota Statutes 1980, Section 297A.25, Subdivision 1.

Referred to the Committee on Energy and Housing.

Messrs. Chmielewski and Wegener introduced—

S.F. No. 737: A bill for an act relating to limitation of actions; exempting town roads from the marketable title act; amending Minnesota Statutes 1980, Section 541.023, by adding a subdivision.

Referred to the Committee on Judiciary.

Mr. Sikorski introduced—

S.F. No. 738: A bill for an act relating to metropolitan government; revising the metropolitan agricultural preserves act; amending Minnesota Statutes 1980, Sections 473H.02, Subdivisions 2 and 3; 473H.04, Subdivisions 1 and 2; 473H.05, Subdivision 1, and by adding a subdivision; 473H.06, Subdivisions 1, 2 and 5; 473H.08, Subdivision 4; 473H.09; 473H.14; 473H.15, by adding a subdivision; and 473H.16, Subdivision 3; proposing new law coded in Minnesota Statutes, Chapter 473H.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Wegener and Davis introduced—

S.F. No. 739: A bill for an act relating to gas utility rates; clarifying rate schedules for certain customers; proposing new law coded in Minnesota Statutes, Chapter 216B.

Referred to the Committee on Commerce.

Messrs. Nichols and Nelson introduced—

S.F. No. 740: A bill for an act relating to soil and water conservation; imposing duties upon land occupiers to apply and maintain water erosion control systems in accordance with certain rules of soil and water conservation districts; proposing new law coded in Minnesota Statutes, Chapter 40.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Penny introduced—

S.F. No. 741: A bill for an act relating to the town of Woodville; permitting payment of the cemetery directors; amending Laws 1959, Chapter 149, Section 1.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Pillsbury introduced—

S.F. No. 742: A bill for an act relating to retirement; granting certain military service credit for teachers; amending Minnesota Statutes 1980, Section 354.53, Subdivisions 1 and 3.

Referred to the Committee on Public Employees and Pensions.

Mr. Frank introduced—

S.F. No. 743: A bill for an act relating to state government; establishing a Minnesota federal intervention board; authorizing the board to intervene before various bodies of the federal government; providing a staff for intervention proceedings; appropriating money; amending Minnesota Statutes 1980, Sections 216A.05, Subdivision 6; 216B.62, Subdivision 3; and 237.295, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 15; repealing Minnesota Statutes 1980, Section 45.17, Subdivision 7.

Referred to the Committee on Governmental Operations.

Messrs. Hanson; Langseth; Moe, R.D.; Nichols and Peterson, C.C. introduced—

S.F. No. 744: A bill for an act relating to natural resources; changing and clarifying administrative provisions regarding watershed districts; increasing per diem for district managers; stating procedures for adopting rules by managers; requiring revision of certain plans every ten years; allowing cash bonds; permitting use of a map to show an assessment area; clarifying emergency procedures; amending Minnesota Statutes 1980, Sections 105.71, Subdivision 1a, and by adding subdivisions; 106.271; 106.471, Subdivision 1; 112.35, Subdivision 19, and by adding a subdivision; 112.36; 112.37, Subdivision 1; 112.39, Subdivision 1; 112.42, Subdivisions 5 and 6; 112.43, Subdivisions 1, 3, and by adding a subdivision; 112.46; 112.47; 112.48, Subdivisions 1, 2,

and 4; 112.49, Subdivisions 1 and 7; 112.53, Subdivision 1; 112.58; 112.61, Subdivision 3; 112.62, Subdivision 1; 112.64; 112.65, Subdivision 2; and 112.801, Subdivision 8.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Nichols introduced—

S.F. No. 745: A bill for an act relating to veterans; requiring the commissioner of veterans affairs to furnish an American flag to the nearest surviving relative of a deceased veteran who served six or more years in the Minnesota National Guard; amending Minnesota Statutes 1980, Section 196.05.

Referred to the Committee on Veterans' Affairs.

Mr. Lessard introduced—

S.F. No. 746: A bill for an act relating to the Greenway joint recreation board; regulating its tax levies.

Referred to the Committee on Education.

Mr. Hanson introduced—

S.F. No. 747: A bill for an act relating to motor vehicles; permitting political subdivisions to use removable identification devices on certain tax exempt vehicles; amending Minnesota Statutes 1980, Section 168.012, Subdivision 1.

Referred to the Committee on Transportation.

Mr. Merriam introduced—

S.F. No. 748: A bill for an act relating to juveniles; prescribing the elements of a prima facie case for referring a child to adult court for criminal prosecution; amending Minnesota Statutes 1980, Section 260.125, Subdivision 3.

Referred to the Committee on Judiciary.

Messrs. Bertram, Olhoft, Davis and Berg introduced—

S.F. No. 749: A bill for an act relating to labor; regulating certain steam engine and boiler operators; exempting certain operators from testing requirements; amending Minnesota Statutes 1980, Section 183.411.

Referred to the Committee on Governmental Operations.

Messrs. Bertram, Olhoft, Menning and Renneke introduced—

S.F. No. 750: A bill for an act relating to insurance; broadening the investment authority of township mutual insurance companies; prescribing record-keeping duties; providing remedies; proposing new law coded in Minnesota Statutes, Chapter 67A; repealing Minnesota Statutes 1980, Sections 67A.23 and 67A.24.

Referred to the Committee on Commerce.

Messrs. Merriam; Moe, R.D. and Ashbach introduced—

S.F. No. 751: A bill for an act relating to open space and recreation; providing for costs of acquisition and betterment of regional recreation open

space lands by the metropolitan council and metropolitan area local governmental units; authorizing issuance of state bonds; appropriating money.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Pillsbury introduced—

S.F. No. 752: A bill for an act proposing an amendment to the Minnesota Constitution, changing Article IV, Sections 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 23, 24, 25 and 26; Article VIII, Section 1; Article IX, Sections 1 and 2; and Article XI, Section 5; providing for a unicameral legislature of 135 members.

Referred to the Committee on Governmental Operations.

Messrs. Peterson, C.C.; Renneke; Ms. Berglin; Mrs. Stokowski and Mr. Pehler introduced—

S.F. No. 753: A bill for an act relating to retirement; public employees retirement association; reducing the additional employer contributions made for coordinated members; restoring the post-retirement fund to full amount; providing less of a reduction for election of an optional annuity; increasing the amount paid to the beneficiary of a deceased member; providing an additional surviving spouse optional annuity; amending Minnesota Statutes 1980, Sections 353.27, Subdivision 3a; 353.271, by adding a subdivision; 353.30, Subdivision 3; 353.32, Subdivision 1, and by adding a subdivision; and 353.657, by adding a subdivision.

Referred to the Committee on Public Employees and Pensions.

Mr. Spear, Ms. Berglin, Messrs. Solon and Sikorski introduced—

S.F. No. 754: A bill for an act relating to public welfare; establishing a sliding fee schedule payment program for child care; appropriating money; amending Minnesota Statutes 1980, Section 245.84, Subdivision 2.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Menning, Hughes and Bernhagen introduced—

S.F. No. 755: A bill for an act relating to education; authorizing school districts to reduce an authorized increase in levy amounts; amending Minnesota Statutes 1980, Section 275.125, Subdivision 2a.

Referred to the Committee on Education.

Messrs. Nelson; Tennessen; Moe, R.D.; Ashbach and Ulland introduced—

S.F. No. 756: A bill for an act relating to the University of Minnesota hospitals; authorizing the sale of state bonds and loan of the proceeds of the sale to the board of regents of the University of Minnesota; appropriating money.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Nelson introduced—

S.F. No. 757: A bill for an act relating to public employees; regulating arbitration decisions in disputes involving local governments and essential, supervisory and confidential employers, principals, and assistant principals;

amending Laws 1979, Chapter 332, Article I, Section 116, as amended.

Referred to the Committee on Public Employees and Pensions.

Messrs. Solon and Ulland introduced—

S.F. No. 758: A bill for an act relating to the city of Duluth; authorizing the city to continue to issue the number of liquor licenses it was authorized to issue in the year 1980.

Referred to the Committee on Commerce.

Messrs. Penny and Stern introduced—

S.F. No. 759: A bill for an act relating to transportation; establishing a rail bank account; providing for the deposit of money in the rail bank account and specifying the purposes for which it may be expended; appropriating money; amending Minnesota Statutes 1980, Sections 222.49; 222.50, Subdivision 7; 222.63, by adding a subdivision; and Laws 1980, Chapter 610, Section 1.

Referred to the Committee on Transportation.

Messrs. Frank and Knoll introduced—

S.F. No. 760: A bill for an act relating to occupational and professional licensing; removing the consecutive term restriction from the board of nursing; removing delinquent and non-practicing statuses; providing for nursing permits; repealing outdated statutes; amending Minnesota Statutes 1980, Sections 148.181, Subdivision 2; 148.231, Subdivisions 1, 4, 5, and 6; 148.271; 148.294 and 148.295; repealing Minnesota Statutes 1980, Section 148.231, Subdivision 2.

Referred to the Committee on Governmental Operations.

Mr. Frank introduced—

S.F. No. 761: A bill for an act relating to health; establishing a fund to compensate employees with disabilities attributable to occupational diseases and to smoking; imposing an additional excise tax on cigarettes; imposing duties on the commissioner of labor and industry; amending Minnesota Statutes 1980, Sections 297.02, Subdivision 1; and 297.13; proposing new law coded in Minnesota Statutes, Chapter 176.

Referred to the Committee on Employment.

Messrs. Solon, Pehler, Johnson, Dicklich and Ulland introduced—

S.F. No. 762: A bill for an act relating to retirement; transferring jurisdiction over investment of funds of the public employees retirement association from the state board of investment to the public employees retirement association board of trustees; amending Minnesota Statutes 1980, Sections 11A.14, Subdivision 5; 11A.23, Subdivision 4; 353.05; and 353.06; proposing new law coded in Minnesota Statutes, Chapter 353; repealing Minnesota Statutes 1980, Section 353.271.

Referred to the Committee on Public Employees and Pensions.

Messrs. Knoll, Humphrey, Hanson, Waldorf and Kroening introduced—

S.F. No. 763: A bill for an act relating to the cities of Minneapolis and St.

Paul; authorizing the implementation of energy conservation programs; authorizing the financing of residential energy conservation programs; authorizing the issuance of qualified mortgage bonds.

Referred to the Committee on Energy and Housing.

Mr. Dieterich introduced—

S.F. No. 764: A bill for an act relating to unemployment compensation; providing that holiday pay not be deducted from benefits; amending Minnesota Statutes 1980, Section 268.07, Subdivision 2.

Referred to the Committee on Employment.

Messrs. Keefe, Ramstad and Renneke introduced—

S.F. No. 765: A bill for an act relating to workers' compensation; excluding certain van pooling operations from coverage; proposing new law coded in Minnesota Statutes, Chapter 176.

Referred to the Committee on Employment.

Messrs. Merriam; Peterson, C.C.; Hanson and Setzepfandt introduced—

S.F. No. 766: A bill for an act relating to taxation; reducing the rate of taxation of certain corporate and bank income; eliminating use of the arithmetic average for apportionment of income; amending Minnesota Statutes 1980, Sections 290.06, Subdivision 1; 290.19, Subdivision 1; and 290.361, Subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Dicklich and Solon introduced—

S.F. No. 767: A bill for an act relating to counties; providing for publication of certain salary and expense information; amending Minnesota Statutes 1980, Section 375.17.

Referred to the Committee on Judiciary.

Mr. Stern introduced—

S.F. No. 768: A bill for an act relating to pollution; providing funds for the costs relating to resolution of groundwater contamination problems at the site of the Reilly Tar and Chemical Company in St. Louis Park; appropriating money.

Referred to the Committee on Agriculture and Natural Resources.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Monday, March 16, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TWENTY-THIRD DAY

St. Paul, Minnesota, Monday, March 16, 1981

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

Prayer was offered by the Chaplain, Rabbi Sylvan D. Kamens.

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

Ashbach	Dieterich	Lantry	Peterson, D.L.	Stern
Bang	Engler	Lessard	Peterson, R.W.	Stokowski
Belanger	Frank	Lindgren	Petty	Stumpf
Benson	Frederick	Luther	Pillsbury	Taylor
Berg	Frederickson	Menning	Purfeerst	Tennessen
Berglin	Hughes	Merriam	Ramstad	Ulland
Bernhagen	Humphrey	Moe, D.M.	Renneke	Vega
Bertram	Johnson	Moe, R.D.	Rued	Waldorf
Brataas	Keefe	Nelson	Schmitz	Wegener
Chmielewski	Knoll	Nichols	Setzepfandt	Willet
Dahl	Knutson	Olhoft	Sieloff	
Davies	Kroening	Pehler	Sikorski	
Davis	Kronebusch	Penny	Solon	
Dicklich	Langseth	Peterson, C.C.	Spear	

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

Mr. Hanson was excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

March 11, 1981

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

The Honorable Jack Davies
President of the Senate

I have the honor to inform you that the following enrolled Act of the 1981 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1981	Date Filed 1981
102		5	March 11	March 11

Sincerely,
Joan Anderson Growe
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S. F. Nos. 12 and 13.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 12, 1981

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 40, 77, 401, 467, 415, 518, 173, 312, 480 and 117.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 12, 1981

FIRST READING OF HOUSE BILLS

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

H. F. No. 40: A bill for an act relating to state lands; authorizing the conveyance of certain lands in St. Louis County.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 237.

H. F. No. 77: A bill for an act relating to mobile home parks; eliminating certain mobile home park reports made to the secretary of state; repealing Minnesota Statutes 1980, Section 327.29.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 131, now on General Orders.

H. F. No. 401: A bill for an act relating to commerce; regulating the licensing of electricians; amending Minnesota Statutes 1980, Section 326.242, Subdivision 2.

Referred to the Committee on Governmental Operations.

H. F. No. 467: A bill for an act relating to motor vehicles; authorizing the identification of certain tax exempt vehicles by use of removable plates or placards; amending Minnesota Statutes 1980, Section 168.012, Subdivision 1.

Referred to the Committee on Transportation.

H. F. No. 415: A bill for an act relating to financial institutions; authorizing

federal funds transactions for credit unions; removing the limitation on insurance commission income and prohibiting participation of officials in such income; permitting the sale of real estate loans; amending Minnesota Statutes 1980, Section 52.04, Subdivision 1.

Referred to the Committee on Commerce.

H. F. No. 518: A bill for an act relating to education; including state hospitals as eligible employers for the purpose of work-study grants; amending Minnesota Statutes 1980, Section 136A.233, Subdivision 2.

Referred to the Committee on Governmental Operations.

H. F. No. 173: A bill for an act relating to human rights; providing that certain statutes be equally applicable to all persons regardless of sex, including statutes related to the health department, suits for seduction, garnishment actions, judicial pensions, and probate proceedings; providing for a penalty; amending Minnesota Statutes 1980, Sections 46.09, Subdivision 1; 144.06; 181.07; 242.47; 246.53; 256.85; 290.28, Subdivision 3; 490.102, Subdivisions 6 and 7; 510.06; 519.05; 525.05; 525.082; 540.07; 540.08; 540.09; 558.28; 576.08; 609.375; 629.55; and 631.09.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 264, now on General Orders.

H. F. No. 312: A bill for an act relating to agriculture; requiring the commissioner of agriculture to examine fluid milk and milk product marketing and packaging; repealing the prohibition on the sale of milk in non-returnable plastic containers; proposing new law coded in Minnesota Statutes, Chapter 32; repealing Minnesota Statutes 1980, Sections 116F.21 and 116F.22.

Referred to the Committee on Agriculture and Natural Resources.

H. F. No. 480: A bill for an act relating to agriculture; changing the name of the joint legislative committee on agricultural land preservation; amending Laws 1979, Chapter 315, Sections 2 and 3.

Referred to the Committee on Governmental Operations.

H. F. No. 117: A bill for an act relating to general assistance; removing the presumption of eligibility from general assistance; providing that applications be permitted no later than four days after assistance is requested; requiring that determinations be made with respect to the need for emergency general assistance; providing that eligibility determinations for general assistance be made no later than 30 days following application; providing that the first general assistance grant be computed for eligible applicants from the time when assistance is requested; requiring vendor payments of grants until eligibility determinations are complete; amending Minnesota Statutes 1980, Sections 256D.07 and 256D.09, Subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 324, now on General Orders.

REPORTS OF COMMITTEES

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

prevailed.

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

S. F. No. 458: A bill for an act relating to the city of Moorhead; permitting a city levy for the arts and humanities.

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

Page 1, after line 12, insert:

"Sec. 2. [REFERENDUM.]

Prior to levying any tax authorized by section 1, the Moorhead city council shall adopt a resolution stating the mill rate of the levy, the total amount of funds to be raised from the levy, and the purpose of the levy. This resolution shall be published once each week for two consecutive weeks in the medium of official and legal publication of the city and the published notice shall contain a recitation that the registered voters of the city may petition for a referendum on the question of the tax levy to aid the arts and humanities. The tax may be levied without the submission of the question of the levy to the voters of the city unless within 21 days after the second publication of the resolution a petition requesting a referendum signed by at least ten percent of the registered voters of the city is filed with the city clerk. If a petition is filed, no tax may be levied as provided in section 1 unless approved by a majority of the voters of the city voting on the question of the tax levy at a regular or special election."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, before the period insert "; providing for a reverse referendum"

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

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

S. F. No. 560: A bill for an act relating to employment; prohibiting certain cities from establishing residency requirements as a condition of employment; proposing new law coded in Minnesota Statutes, Chapter 415.

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

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

S. F. No. 354: A bill for an act relating to taxation; estate tax; clarifying certain deductions; updating references to internal revenue code; clarifying the method of computing credits; clarifying exemptions and exclusions; providing for a statute of limitations; eliminating obsolete references; providing disclosure of data to certain persons; clarifying recording procedures; amending Minnesota Statutes 1980, Sections 290.01, Subdivision 20; 291.005, Subdivision 1; 291.03, Subdivision 1; 291.05; 291.065; 291.09, Subdivision 3a;

291.20, Subdivision 1; 291.31, Subdivision 1; 291.48; and 600.21.

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

Page 10, line 24, delete "*in*"

Page 10, line 25, delete "*duplicate*"

Page 14, line 10, delete "*(e)*"

Page 15, after line 10, insert:

"Sec. 6. Minnesota Statutes 1980, Section 291.07, Subdivision 1, is amended to read:

Subdivision 1. [ADDITIONAL DEDUCTIONS.] In determining the tax imposed by section 291.01, the following *additional* deductions shall be allowed:

(1) funeral expenses;

(2) reasonable legal, accounting, fiduciary and administration expenses and fees with respect to both probate and nonprobate assets, including but not limited to expenses incurred during administration in converting real and personal property held by the estate into cash;

(3) expenses of last illness unpaid at death;

(4) valid claims against and debts of the decedent, unpaid at death, which have been properly paid;

(5) Minnesota and federal income taxes on "income in respect of a decedent," as computed under subdivision 3;

(6) the portion of the federal estate tax allocable to Minnesota, which shall equal the amount obtained by multiplying the federal estate tax due and payable to the United States Treasury by a fraction, the numerator of which shall equal the value of the Minnesota gross estate reduced by: (a) in the case of a resident decedent, the deductions and exemptions allowed by sections 291.05, 291.051, 291.065, 291.07, subdivision 1, clauses (1), (2), (3), (4), (5), (7) and (8); or (b) in the case of a nonresident decedent the deductions and exemptions allowed by sections 291.05, 291.051, 291.065, 291.08, clauses (1), (2), (4) and (5), and the denominator of which shall equal the value of the federal taxable estate as defined in section 2051 of the Internal Revenue Code; provided, however, in any case where any property is included in the Minnesota gross estate but incorrectly omitted from the federal gross estate or where any property that is included in both the Minnesota gross estate and the federal gross estate is valued at a higher or lower value in determining the Minnesota gross estate than in determining the federal gross estate, the federal taxable estate shall be recomputed for purposes of this provision and shall be based on a federal gross estate including the value of such omitted property and including or excluding the difference in value of such revalued property, and further provided that the federal estate tax deduction shall not exceed the federal estate tax due and payable to the United States Treasury;

(7) real estate taxes due and payable prior to or in the year of the decedent's death with respect to real estate subject to taxation under this chapter and other taxes which have accrued and are a lien on property in the estate at the time of

death;

(8) liens and mortgages on property subject to taxation under this chapter which are not deductible as claims or debts of the decedent.

Sec. 7. Minnesota Statutes 1980, Section 291.08, is amended to read:

291.08 [NONRESIDENT ESTATES; ALLOWANCE OF *ADDITIONAL* DEDUCTIONS ~~AND EXEMPTIONS~~.]

Where a tax is due on the transfer of any property or interest therein owned by a nonresident, the following *additional* deductions ~~and exemptions~~ shall be allowed:

(1) Funeral expenses to the extent incurred in Minnesota;

(2) Reasonable legal, accounting, fiduciary and administration fees and expenses allocable to both probate and nonprobate property included in the Minnesota gross estate;

(3) Federal estate taxes as computed in section 291.07;

(4) Real estate taxes on Minnesota property which are due and payable prior to or in the year of the decedent's death;

(5) Liens and mortgages on property included in the Minnesota gross estate."

Page 15, line 16, delete "*three years*" and insert "*180 days*"

Page 16, line 24, delete "*three years*" and insert "*180 days*"

Page 16, line 30, delete "*three years*" and insert "*180 days*"

Page 16, line 35, after "tax" insert a comma

Pages 17 and 18, delete section 7

Page 22, line 9, delete "*6, and 7*" and insert "*and 8*"

Page 22, line 11, delete "*10*" and insert "*11*"

Page 22, line 12, delete "*Section 8 and 9*" and insert "*Sections 9 and 10*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after "taxation;" insert "modifying" and after "tax" insert "provisions"

Page 1, line 11, after "291.065;" insert "291.07, Subdivision 1; 291.08;" and delete "291.20,"

Page 1, line 12, before "291.31" delete "Subdivision 1;"

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

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

S. F. No. 334: A bill for an act relating to taxes; establishing Project Fair Share; providing for the investigation of unreported or underreported Minne-

sota income or failure to file a tax return and other cases where tax is owed to the state; appropriating money.

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

Page 1, line 12, delete "*affirmatively*"

Page 1, line 13, delete "*persons*" and insert "*individuals*"

Page 1, line 17, delete "*whose personal*"

Page 1, line 18, delete "*representatives*" and insert "*that*"

Page 1, line 19, after "*or*" insert "*whose personal representatives*"

Page 1, line 20, delete "*persons who are*"

Page 1, line 21, delete "*bogus*" and insert "*false*"

Page 1, line 23, after the period insert "*Personnel operating*"

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

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

S. F. No. 279: A bill for an act relating to taxation; providing that certain emergency shelters are exempt from the property tax; amending Minnesota Statutes 1980, Section 272.02, Subdivision 1.

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

Page 5, line 4, delete "*sponsoring*" and insert "*that owns and sponsors*"

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

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

S. F. No. 218: A bill for an act relating to landlords and tenants; changing the time limit for landlords to furnish tenants with certain information; amending Minnesota Statutes 1980, Section 290A.19.

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

Mr. Knoll from the Committee on Governmental Operations, to which was referred

S. F. No. 446: A bill for an act relating to the legislature; changing the membership and manner of appointment of certain committees and commissions with legislative members; amending Minnesota Statutes 1980, Sections 3.30, Subdivision 2; 15.50, Subdivision 1; 16.872, Subdivision 3; and 121.938, Subdivision 1.

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

Page 2, line 34, delete "*12*" and insert "*11*"

Page 3, line 6, strike "president" and insert "*majority leader*"

Page 4, line 33, strike "committee on committees" and insert "*majority leader*"

Page 5, after line 1, insert:

"Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 are effective the day following final enactment."

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

Mr. Knoll from the Committee on Governmental Operations, to which was referred

S. F. No. 229: A bill for an act relating to the capitol area architectural and planning board; providing for disposition of tax-forfeited property within the capitol area; amending Minnesota Statutes 1980, Section 15.50, Subdivision 6.

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

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

S. F. No. 494: A bill for an act relating to agriculture; regulating livestock marketing; providing a penalty; amending Minnesota Statutes 1980, Sections 17A.02; 17A.03, Subdivision 7; 17A.14; proposing new law coded in Minnesota Statutes, Chapter 17A.

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

Page 1, line 15, reinstate the stricken comma

Page 1, line 16, delete "*or*"

Page 1, line 18, delete "*or*" and insert a comma

Page 1, line 19, before the period, insert ", *and the public*"

Page 2, line 4, before "*Persons*" insert "*(a)*"

Page 2, line 7, before "*Persons*" insert "*(b)*"

Page 2, lines 15 and 16, delete "*and section 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. 387: A bill for an act relating to agriculture; imposing certain requirements on milk houses for milk used for manufacturing; amending Minnesota Statutes 1980, Section 32.212.

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 1980, Section 32.212, is amended to read:

32.212 [MILK ~~HOUSES FOR BULK TANKS~~ *USED FOR MANUFACTURING PURPOSES.*]

Subdivision 1. [MILK ROOM REQUIREMENTS.] Any producer ~~using a bulk tank for cooling and storage~~ of milk to be used for manufacturing purposes shall ~~have~~ *cool and store the milk in* an enclosed milk room which ~~shall conform to the standards provided by sections 32.212 and 32.213.~~ *meets the following requirements:*

(a) The floor shall be constructed of concrete or other impervious material, maintained in good repair, and graded to provide proper drainage.

(b) The walls and ceilings of the room shall be sealed and constructed of smooth easily cleaned material.

(c) All windows shall be screened and doors shall be self-closing.

(d) It shall be well ventilated ~~and must meet the following requirements:~~ .

~~(1) The~~ *(e) If a* bulk tank *is used, it* shall not be located over a drain or under a ventilator.

~~(2)~~ *(f) If a bulk tank is used,* the hose port shall be located in an exterior wall and fitted with a tight self-closing door.

~~(3) Each milk room~~ *(g) If a bulk tank is used, the milk room* shall have an adequate supply of water readily accessible with facilities for heating the water, to insure the cleaning and sanitizing of the bulk tank, utensils and equipment and the keeping of the milk room clean.

~~(4)~~ *(h)* No lights shall be placed directly over ~~the~~ *a* bulk tank.

~~(5) The bulk tank~~ *(i) If a bulk tank is used, it* shall be properly located in the milk room for easy access to all areas for cleaning and servicing.

~~(6)~~ *(j)* The ~~milkhouse~~ *milk room* shall be used only for storage of milk, milk utensils, and supplies incidental to the production of milk.

~~(7) Sections 32.212 and 32.213 shall become effective July 1, 1965, for all subsequent installations of bulk tanks for milk produced for manufacturing purposes.~~

~~(8) On and after October 1, 1969, sections 32.212 and 32.213 apply to all bulk tank installations existing prior to July 1, 1965.~~

~~(9) After October 1, 1969,~~

Subd. 2. [PROHIBITIONS.] No milk processor shall buy milk *for manufacturing purposes* from any producer of milk ~~using a bulk tank to be used for manufacturing purposes~~ unless ~~such~~ *the* producer has complied with the provisions of *this* section 32.212.

~~(10) After July 1, 1965,~~ No person shall install a bulk tank ~~except~~ in a milk room ~~or milkhouse~~ which ~~complies~~ *does not comply* with the provisions of ~~sections 32.212 and 32.213~~ *this section* .

~~(11)~~ *Subd. 3.* [ENFORCEMENT; PENALTY.] The enforcement of sections 32.212 and 32.213 shall be administered by the ~~Minnesota~~ department of agriculture.

~~(12)~~ Any person violating any ~~provisions of sections~~ *provision of section* 32.212 ~~and~~ *or* 32.213 ~~shall be punished by~~ *is subject to* a fine of not more than $50.

Sec. 2. [EFFECTIVE DATE.]

This act is effective July 1, 1983."

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. 330: A bill for an act relating to the Riley-Purgatory Creek Watershed District; authorizing certain tax levies.

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

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

S. F. No. 237: A bill for an act relating to state lands; authorizing the conveyance of certain lands in St. Louis County.

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

Page 1, line 7, delete "or" and insert ", *and notwithstanding any*"

Page 1, line 8, delete "shall allow, upon request by" and insert ", *upon receipt of a*"

Page 1, line 9, delete the comma and insert "*requesting action by the state, shall allow*"

Page 1, line 13, after the period insert "*No repurchase shall be allowed unless the commissioner of revenue receives the resolution of the county board not later than 180 days after the effective date of this act.*"

Underline all new language in the bill

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

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 434: A bill for an act relating to public welfare; establishing a formula for payments to vendors of dental services in the medical assistance program; prioritizing dental services to be offered if appropriations to the program are inadequate; proposing new law coded in Minnesota Statutes, Chapter 256B.

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 Health, Welfare and Corrections, to which was referred

H. F. No. 29: A bill for an act relating to hospitals; requiring adoption of

federal medicare standards for hospital licensing; regulating hospital inspections; providing for licensing of hospitals accredited by the joint commission on hospital accreditation; amending Minnesota Statutes 1980, Sections 144.50, Subdivision 1; and 144.55.

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

Page 2, line 4, strike "state" both times and strike "of health"

Page 2, line 5, strike "of health"

Page 2, line 22, delete "*and environmental health*"

Page 3, line 6, delete "*such*" and insert "*accredited*" and after "*hospitals*" insert a comma

Page 3, line 13, delete "*wth*" and insert "*with*"

Page 5, line 4, delete "*such*"

Page 5, line 5, delete "*as are*"

Page 5, line 13, delete "PROGRAM TERMINATION;"

Page 5, delete lines 14 and 15

Page 5, line 16, delete everything before "*On*"

Page 5, line 18, before "*program*" insert "*accreditation*"

Page 5, after line 20, insert:

"*Subd. 11.* [STATE HOSPITALS NOT AFFECTED.] *Subdivisions 3, 4 and 5 do not apply to state hospitals and other facilities operated under the direction of the commissioner of public welfare.*"

Page 5, line 22, delete "*This act is*" and insert "*Sections 1 and 2 are*" and delete "*its*" and insert "*final*"

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

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 399: A bill for an act relating to drugs; requiring imprinting of legend drugs; amending Minnesota Statutes 1980, Section 151.361.

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

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

Page 1, line 17, after "*solid*" insert "*oral*"

Page 1, line 20, delete "*an individual*" and insert "*a*"

Page 1, delete lines 21 and 22 and insert "*national drug code or other mark uniquely identifiable to that drug product. An identifying mark or imprint made as required by federal law or by the federal Food and Drug Administration shall be deemed to be in compliance with this section.*"

Page 1, line 24, after "*section*" insert "*on its own initiative or*"

Amend the title as follows:

Page 1, line 2, delete "legend"

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

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 332: A bill for an act relating to public welfare; providing that every birth to a minor shall be reported within 24 hours to the commissioner of public welfare; amending Minnesota Statutes 1980, Section 257.33.

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

Page 1, line 16, delete the new language

Page 1, line 17, delete everything before "*every*"

Page 1, line 19, delete "*24 hours*" and insert "*three working days*"

Amend the title as follows:

Page 1, line 3, delete "24 hours" and insert "three working days"

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

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 155: A bill for an act relating to public welfare; providing for retention of certain receipts by state hospitals; amending Minnesota Statutes 1980, Section 246.57.

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

Page 1, after line 22, insert:

"*Receipts retained under this subdivision are appropriated to the commissioner to pay costs associated with providing the services.*"

Page 1, line 23, delete "REPORTS" and insert "RECORDS"

Page 1, line 24, delete "*report biennially to the legislature*" and insert "*maintain records*"

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

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred the following appointment as reported in the Journal for March 12, 1981:

WASTE MANAGEMENT BOARD
CHAIRPERSON

Robert G. Dunn

Reports the same back with the recommendation that the appointment be

confirmed.

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

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which were referred the following appointments as reported in the Journal for February 16, 1981:

WASTE MANAGEMENT BOARD

Laurence E. Hunter
Keith Kuiter
William G. Kirchner
Milton L. Knoll, Jr.
Louise Kuderling
Thomas T. Renner
Allan B. Eide
David Hartley

MINNESOTA POLLUTION CONTROL AGENCY DIRECTOR

Louis J. Breimhurst

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

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

SECOND READING OF SENATE BILLS

S. F. Nos. 458, 560, 354, 279, 218, 446, 229, 494, 387, 330, 237, 399, 332 and 155 were read the second time.

SECOND READING OF HOUSE BILLS

H. F. No. 29 was read the second time.

MOTIONS AND RESOLUTIONS

Mr. Johnson moved that S. F. No. 458 be stricken from General Orders and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Peterson, C.C. moved that the name of Mr. Stern be added as co-author to S. F. No. 203. The motion prevailed.

Mrs. Lantry moved that the name of Mr. Hughes be added as co-author to S. F. No. 263. The motion prevailed.

Mr. Pehler moved that the name of Mr. Chmielewski be added as co-author to S. F. No. 417. The motion prevailed.

Mr. Dicklich moved that the name of Mr. Stumpf be added as co-author to S. F. No. 501. The motion prevailed.

Mr. Frank moved that the name of Mr. Merriam be added as co-author to S.

F. No. 643. The motion prevailed.

Mr. Dicklich moved that the name of Mr. Davis be added as co-author to S. F. No. 709. The motion prevailed.

Mr. Frank introduced—

Senate Resolution No. 24: A Senate resolution expressing the anguish of the Senate at the continuing news of the disappearance and murder of twenty children in Atlanta, Georgia, and extending condolences to the citizens of Atlanta and to the parents, relatives and friends of the children.

Referred to the Committee on Rules and Administration.

Messrs. Nelson and Penny introduced—

Senate Resolution No. 25: A Senate resolution congratulating the wrestling team from Albert Lea High School for winning the 1981 Class AA State High School Wrestling Championship.

Referred to the Committee on Rules and Administration.

CALENDAR

S. F. No. 52: A bill for an act relating to elections; fair campaign practices; providing a penalty for denial of access to certain dwellings; amending Minnesota Statutes 1980, Section 210A.43, Subdivision 4.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 42 and nays 22, as follows:

Those who voted in the affirmative were:

Belanger	Frederickson	Menning	Peterson, R.W.	Tennessen
Bertram	Hughes	Merriam	Petty	Ulland
Chmielewski	Humphrey	Moe, R.D.	Schmitz	Vega
Dahl	Johnson	Nelson	Sikorski	Waldorf
Davies	Kroening	Nichols	Solon	Wegener
Davis	Kronebusch	Olhoft	Spear	Willet
Dicklich	Langseth	Pehler	Stern	
Dieterich	Lantry	Penny	Stokowski	
Frank	Luther	Peterson, C.C.	Stumpf	

Those who voted in the negative were:

Ashbach	Brataas	Lessard	Purfeerst	Sieloff
Bang	Engler	Lindgren	Ramstad	Taylor
Benson	Frederick	Moe, D.M.	Renneke	
Berg	Keefe	Peterson, D.L.	Rued	
Bernhagen	Knutson	Pillsbury	Setzepfandt	

So the bill passed and its title was agreed to.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS - CONTINUED

CONFIRMATION

Mr. Schmitz moved that the report from the Committee on Veterans' Af-

fairs, reported March 12, 1981, pertaining to appointments, be taken from the table. The motion prevailed.

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

Mr. Schmitz moved that in accordance with the report from the Committee on Veterans' Affairs, reported March 12, 1981, the Senate, having given its advice, do now consent to and confirm the appointment of:

DEPARTMENT OF VETERANS' AFFAIRS
COMMISSIONER

Charles T. Pinkham, 17130 28th Avenue North, Plymouth, Hennepin County, effective December 31, 1980, for a term expiring the first Monday in January, 1983.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Mr. Solon moved that the report from the Committee on Health, Welfare and Corrections, reported February 26, 1981, pertaining to appointments, be taken from the table. The motion prevailed.

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

STATE HEALTH COORDINATING COUNCIL
CHAIRMAN

George Pettersen, 84 Malcolm SE, Minneapolis, Hennepin County, effective February 25, 1980, for a term expiring February 24, 1982.

Mr. Solon moved that the foregoing appointment be laid on the table. The motion prevailed.

CONFIRMATION

Mr. Tennessen moved that the report from the Committee on Commerce, reported March 12, 1981, pertaining to appointments, be taken from the table. The motion prevailed.

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

Mr. Tennessen moved that in accordance with the report from the Committee on Commerce, reported March 12, 1981, the Senate, having given its advice, do now consent to and confirm the appointment of:

PUBLIC UTILITIES COMMISSION

Marcelle (Terry) Hoffman, 405 Portland Avenue, St. Paul, Ramsey County, effective February 23, 1981, for a term expiring the first Monday in January, 1987.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Mr. Tennessen moved that the report from the Committee on Commerce, reported March 12, 1981, pertaining to appointments, be taken from the table. The motion prevailed.

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

Mr. Tennessen moved that in accordance with the report from the Committee on Commerce, reported March 12, 1981, the Senate, having given its advice, do now consent to and confirm the appointment of:

DEPARTMENT OF PUBLIC SERVICE
DIRECTOR, ADMINISTRATIVE DIVISION

Richard L. Auld, 757 California Avenue West, St. Paul, Ramsey County, effective June 2, 1980, for a term expiring the first Monday in January, 1983.

The motion prevailed. So the appointment was confirmed.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Schmitz in the chair.

After some time spent therein, the committee arose, and Mr. Schmitz reported that the committee had considered the following:

S. F. Nos. 10 and 30, which the committee recommends to pass.

H. F. No. 87, which the committee recommends to pass subject to the following motion:

Mr. Davies moved that the amendment made to H.F. No. 87 by the Committee on Rules and Administration in the report adopted March 12, 1981, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

S. F. No. 22, which the committee reports progress, after the following motion:

The question was taken on the recommendation to pass S. F. No. 22.

The roll was called, and there were yeas 15 and nays 43, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Johnson	Olhoft	Petty
Davies	Frederick	Keefe	Penny	Tennessen
Davis	Hughes	Knoll	Peterson, C.C.	Vega

Those who voted in the negative were:

Benson	Frank	Lindgren	Peterson, R.W.	Stern
Berg	Fredericksen	Luther	Purfeerst	Stokowski
Berglin	Humphrey	Menning	Ramstad	Stumpf
Bernhagen	Knutson	Merriam	Renneke	Taylor
Bertram	Kroening	Moe, D.M.	Rued	Ulland
Brataas	Kronebusch	Moe, R.D.	Setzepfandt	Waldorf
Chmielewski	Langseth	Nelson	Sieloff	Willet
Dahl	Lantry	Pehler	Sikorski	
Engler	Lessard	Peterson, D.L.	Spear	

The motion did not prevail. S. F. No. 22 was then progressed.

S. F. No. 209, which the committee recommends to pass with the following amendments offered by Messrs. Nelson and Peterson, C. C.

Mr. Nelson moved to amend S. F. No. 209 as follows:

Page 3, after line 5, insert:

"Sec. 5. Minnesota Statutes 1980, Section 349.26, Subdivision 14, is amended to read:

Subd. 14. Gambling devices shall be operated and raffles conducted by a licensed organization only upon premises which it owns or leases except that tickets for raffles conducted in accordance with this section may be sold off the premises. Leases, unless authorized in another location by the local unit of government, shall be for a period of not less than one year and shall be in writing. *The local unit of government may authorize raffles to be conducted by a licensed organization on premises not owned or leased by the organization.* No lease shall provide that rental payments be based on a percentage of receipts or profits from gambling devices or raffles. Copies of all leases shall be provided to the licensing local unit of government."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after "13" insert ", 14"

The motion prevailed. So the amendment was adopted.

Mr. Peterson, C. C. moved to amend S. F. No. 209 as follows:

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 1980, Section 349.26, Subdivision 2, is amended to read:

Subd. 2. "Gambling devices" ~~mean~~ *means* those gambling devices known as "paddlewheels" or "tipboards", *"pull-tabs" (or "ticket jars"),* or apparatus used in conducting raffles."

Page 1, after line 21, insert:

"Sec. 4. Minnesota Statutes 1980, Section 349.26, is amended by adding a subdivision to read:

Subd. 5a. "Pull-tabs" (or "ticket jars") means a single folded or banded ticket or a card, the face of which is initially covered, or otherwise hidden from view, to conceal a number or set of numbers or a symbol or set of symbols. A few of the numbers or symbols out of every set of pull-tabs (or ticket jars) will have been designated in advance and at random as prizewinners. A participant pays a consideration to an operator for the opportunity to obtain a folded or banded ticket or a card, view the numbers or symbols on it and possibly obtain a prizewinning pull-tab (or ticket jar)."

Page 2, lines 28 to 30, strike "shall not be the same person who accounts for other revenues of the organization, except that such person"

Page 3, line 12, after the comma insert "*or from a single pull-tab (or ticket jar),*"

Page 3, after line 16, insert:

"Sec. 8. Minnesota Statutes 1980, Section 349.30, Subdivision 2, is amended to read:

Subd. 2. "Gambling devices" means slot machines, roulette wheels, punchboards, ~~number~~ jars and pin ball machines which return coins or slugs, chips, or tokens of any kind, which are redeemable in merchandise or cash.

Sec. 9. Minnesota Statutes 1980, Section 349.31, Subdivision 1, is amended to read:

Subdivision 1. [INTENTIONAL POSSESSION; WILFUL KEEPING.] The intentional possession or wilful keeping of a gambling device upon any licensed premises is cause for the revocation of any license under which the licensed business is carried on upon the premises where the gambling device is found, provided that possession of gambling devices commonly known as "paddlewheels" or "tipboards" *or "pull-tabs" (or "ticket jars")* or apparatus used in conducting raffles on the premises of a nonprofit organization and operated by organizations licensed for such operation pursuant to section 349.26 shall not be cause for revocation of a license."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon insert "authorizing an additional gambling device;"

Page 1, line 5, after the semicolon insert "changing the penalty provision for violation;"

Page 1, line 5, delete "Section" and insert "Sections"

Page 1, line 6, after "Subdivisions" delete everything before the period and insert "2, 4, 5, 12, 13 and 15, and by adding a subdivision; 349.30, Subdivision 2; and 349.31, Subdivision 1"

The motion prevailed. So the amendment was adopted.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Chmielewski, Nichols, Kroening, Pehler and Willet introduced—

S.F. No. 769: A bill for an act relating to workers' compensation; creating the Minnesota workers' compensation insurance corporation as a nonprofit public corporation; changing the procedure for the administration of compensation claims of state employees; appropriating money; amending Minnesota Statutes 1980, Section 176.591, Subdivisions 1 and 3; proposing new law coded as Minnesota Statutes, Chapter 176A; repealing Minnesota Statutes 1980, Sections 176.061, Subdivisions 8 and 9; 176.541, Subdivisions 2, 3, 4, 5, 6 and 8; 176.551; 176.561; 176.571; 176.603 and 176.611.

Referred to the Committee on Employment.

Messrs. Davies and Sieloff introduced—

S.F. No. 770: A bill for an act relating to taxation; income; clarifying the taxable status of certain organizations; clarifying the procedure by which certain organizations establish an exemption; amending Minnesota Statutes 1980, Sections 290.05, Subdivision 1; and 501.76, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Peterson, C.C. introduced—

S.F. No. 771: A bill for an act relating to Otter Tail county; authorizing the county board to grant certain powers for a district created under Minnesota Statutes, Chapter 116A.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Wegener; Olhoft; Moe, R.D. and Langseth introduced—

S.F. No. 772: A bill for an act relating to the state building code; authorizing municipalities under 5,000 to elect that the code not apply within their jurisdictions; proposing new law coded in Minnesota Statutes, Chapter 16.

Referred to the Committee on Energy and Housing.

Mr. Chmielewski introduced—

S.F. No. 773: A bill for an act relating to education; changing the contents and time of submission of the school district energy report; removing an obsolete requirement for school district submission of an energy consumption reduction plan; repealing a provision governing the destruction of certain school district records; amending Minnesota Statutes 1980, Section 120.78; repealing Minnesota Statutes 1980, Section 123.40, Subdivision 5.

Referred to the Committee on Education.

Mr. Chmielewski introduced—

S.F. No. 774: A bill for an act relating to workers' compensation; providing for rounding of benefits to the nearest dollar; proposing new law coded in Minnesota Statutes, Chapter 176.

Referred to the Committee on Employment.

Messrs. Nelson and Chmielewski introduced—

S.F. No. 775: A bill for an act relating to health; providing for home health services through the community health services act; changing certain funding formulas; appropriating money; amending Minnesota Statutes 1980, Sections 144A.51, by adding a subdivision; 144A.52, Subdivision 3; 144A.53; 144A.54, Subdivision 1; 145.913, by adding a subdivision; 145.914, Subdivision 2; 145.915, by adding a subdivision; 145.918, by adding a subdivision; 145.919; 145.921; and 145.95, Subdivision 5.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Pehler introduced—

S.F. No. 776: A bill for an act relating to education; creating a higher

education scholarship program for students active in high school student government; proposing new law coded in Minnesota Statutes, Chapter 136A.

Referred to the Committee on Education.

Messrs. Dahl; Johnson; Moe, R.D.; Merriam and Ashbach introduced—

S.F. No. 777: A bill for an act relating to taxation; authorizing school district levies for energy conservation measures; amending Minnesota Statutes 1980, Section 275.125, by adding a subdivision.

Referred to the Committee on Energy and Housing.

Messrs. Dahl, Sikorski, Humphrey and Tennessen introduced—

S.F. No. 778: A bill for an act relating to energy; establishing rates and conditions of service for cogenerators and small power producers; proposing new law coded in Minnesota Statutes, Chapter 216B.

Referred to the Committee on Commerce.

Messrs. Moe, D.M.; Stumpf and Mrs. Lantry introduced—

S.F. No. 779: A bill for an act relating to retirement; St. Paul teachers retirement fund association; removing an expiration date on authority to provide post retirement increases in certain instances; authorizing reduced early retirement in certain instances; amending Laws 1979, Chapter 109, Section 1.

Referred to the Committee on Public Employees and Pensions.

Messrs. Hanson; Merriam; Dahl; Peterson, R.W. and Sieloff introduced—

S.F. No. 780: A bill for an act relating to crimes; specifying the crime of offering substances purporting to be prohibited for sale; redefining the marital privilege; changing the current transactional immunity to conform with federal use immunity; redefining the minimum terms of imprisonment; regulating the imposition of consecutive sentences; redefining the offense of escape; changing the order of closing argument; redefining the crime of introducing contraband into the county jail; amending Minnesota Statutes 1980, Sections 595.02; 609.09, Subdivision 1; 609.11, by adding a subdivision; 609.15, by adding a subdivision; 609.485, Subdivision 3; 609.52, Subdivision 3; 609.53, Subdivision 1; 631.07; 641.165, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 152.

Referred to the Committee on Judiciary.

Messrs. Rued and Davis introduced—

S.F. No. 781: A bill for an act relating to natural resources; procedure on land acquisitions; amending Minnesota Statutes 1980, Section 84.0272.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Solon and Dicklich introduced—

S.F. No. 782: A bill for an act relating to St. Louis county; revising the

county civil service law; providing for commissioners' pay, provisional appointments, employment of resignees, and treatment of examination errors; amending Laws 1941, Chapter 423, Sections 2, as amended, 5, as amended, 11, 12, and 17.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Pehler and Humphrey introduced—

S.F. No. 783: A bill for an act relating to energy; creating the Minnesota renewable energy financing commission; establishing a program of loans and financial assistance for small businesses and municipalities; authorizing the issuance of bonds; appropriating money; proposing new law coded in Minnesota Statutes 1980, Chapter 116H.

Referred to the Committee on Energy and Housing.

Messrs. Frank, Bang, Luther, Stern and Solon introduced—

S.F. No. 784: A bill for an act relating to insurance; regulating policies of automobile insurance providing comprehensive coverage; requiring full coverage of windshield glass damage; proposing new law coded in Minnesota Statutes, Chapter 65B.

Referred to the Committee on Commerce.

Messrs. Chmielewski and Johnson introduced—

S.F. No. 785: A bill for an act relating to taxation; real property; providing open space treatment for archery and firearms ranges; amending Minnesota Statutes 1980, Section 273.112, Subdivision 3.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Peterson, C.C.; Schmitz; Renneke and Frederickson introduced—

S.F. No. 786: A bill for an act relating to retirement; volunteer firefighters relief associations; authorizing relief associations to increase retirement benefit and service pension amounts without municipal ratification in certain instances; amending Minnesota Statutes 1980, Sections 69.772, Subdivision 6; 69.773, Subdivision 6; and 424A.02, Subdivision 10.

Referred to the Committee on Public Employees and Pensions.

Messrs. Peterson, C.C.; Schmitz; Renneke; Moe, D.M. and Frederickson introduced—

S.F. No. 787: A bill for an act relating to retirement; volunteer firefighters relief associations; financing and benefit amounts; amending Minnesota Statutes 1980, Sections 69.772, Subdivision 2a; 424.01; 424.02; 424.04; 424.16; 424.17; and 424A.02, Subdivisions 3, 7 and 9.

Referred to the Committee on Public Employees and Pensions.

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

S.F. No. 788: A bill for an act relating to local government; permitting

agreements for compensation for transfers of taxable property in certain annexations; proposing new law coded in Minnesota Statutes, Chapter 414.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Purfeerst, Nichols, Merriam, Engler and Rued introduced—

S.F. No. 789: A bill for an act relating to natural resources; increasing motor vehicle permit fees for state parks, monuments, recreation areas, and waysides; establishing a dedicated account; appropriating money; amending Minnesota Statutes 1980, Section 85.05, Subdivisions 1 and 2; proposing new law coded in Minnesota Statutes, Chapter 85.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Schmitz, Waldorf, Pehler and Ramstad introduced—

S.F. No. 790: A bill for an act relating to veterans; requiring the Veterans of Foreign Wars to provide assistance to disabled veterans in filing claims with the United States government; appropriating money.

Referred to the Committee on Veterans' Affairs.

Mrs. Stokowski, Mr. Kroening and Mrs. Lantry introduced—

S.F. No. 791: A bill for an act relating to elections; changing eligibility requirements and compensation for election judges; authorizing time off from work for election judges; amending Minnesota Statutes 1980, Sections 204A.18; and 204A.23.

Referred to the Committee on Elections and Reapportionment.

Messrs. Johnson, Solon, Renneke, Dieterich and Lindgren introduced—

S.F. No. 792: A bill for an act relating to insurance; requiring health maintenance organizations to provide chiropractic care equivalent to that provided by health insurance; amending Minnesota Statutes 1980, Sections 62A.15; and 62D.02, Subdivision 7.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Solon, Ulland, Lessard and Keefe introduced—

S.F. No. 793: A bill for an act relating to courts; increasing the salary of court reporters; amending Minnesota Statutes 1980, Section 486.05, Subdivision 1.

Referred to the Committee on Governmental Operations.

Mr. Kroening introduced—

S.F. No. 794: A bill for an act relating to public utilities; refunds or credits to customers upon disallowance of rate increases; amending Minnesota Statutes 1980, Sections 216B.16, Subdivision 3; and 237.075, Subdivision 3.

Referred to the Committee on Commerce.

Mr. Kroening introduced—

S.F. No. 795: A bill for an act relating to commerce; regulating legal

pleadings in product liability actions; permitting the tender of defenses by non-manufacturer defendants; proposing new law coded in Minnesota Statutes, Chapter 544; repealing Minnesota Statutes 1980, Section 544.41.

Referred to the Committee on Judiciary.

Mr. Solon introduced—

S.F. No. 796: A bill for an act relating to the state building code; directing the commissioner of administration to make certain changes in the state building code.

Referred to the Committee on Energy and Housing.

Messrs. Tennessen, Lessard, Johnson and Frederickson introduced—

S.F. No. 797: A bill for an act relating to intoxicating liquor; permitting municipalities to authorize the sale of intoxicating liquor at arenas and sports complexes in certain cases; amending Minnesota Statutes 1980, Section 340.11, by adding a subdivision.

Referred to the Committee on Commerce.

Messrs. Rued, Davis, Dicklich and Peterson, D.L. introduced—

S.F. No. 798: A bill for an act relating to education; providing for full funding of certain programs when funds available are less than the amount appropriated; amending Minnesota Statutes 1980, Section 124.572, by adding a subdivision.

Referred to the Committee on Education.

Mr. Stern, Ms. Berglin, Mrs. Lantry, Messrs. Lindgren and Sikorski introduced—

S.F. No. 799: A bill for an act relating to hospitals; promoting price competition by requiring hospitals to report certain diagnostic and price information to the commissioner of health; requiring the commissioner of health to analyze and disseminate the information; proposing new law coded in Minnesota Statutes, Chapter 144.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Keefe, Ulland, Sikorski and Dicklich introduced—

S.F. No. 800: A bill for an act relating to health; extending the nursing home dental program; appropriating money; amending Laws 1980, Chapter 570, Sections 6 and 10.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Keefe introduced—

S.F. No. 801: A bill for an act relating to the state board of investment; authorizing investments in certain precious gems and metals under specified

conditions; amending Minnesota Statutes 1980, Section 11A.24, by adding a subdivision.

Referred to the Committee on Public Employees and Pensions.

Messrs. Lindgren, Ashbach and Belanger introduced—

S.F. No. 802: A bill for an act relating to metropolitan government; requiring legislative approval of the budget and complement of the metropolitan council; amending Minnesota Statutes 1980, Section 473.245.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Lindgren and Peterson, D.L. introduced—

S.F. No. 803: A bill for an act relating to education; transferring certain powers and duties of the state board of education; creating a state education advisory council; amending Minnesota Statutes 1980, Sections 121.02, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 121; repealing Minnesota Statutes 1980, Sections 121.11, Subdivision 1; and 121.16.

Referred to the Committee on Education.

Messrs. Willet, Schmitz, Vega, Purfeerst and Engler introduced—

S.F. No. 804: A bill for an act relating to motor vehicles; providing for the re-registration of certain motor vehicles and combinations of vehicles; defining gross vehicle weight; exempting certain vehicles from certain weight limitations; establishing gross weight limitations on certain highways for certain motor vehicles and combinations of vehicles; providing exceptions to certain gross weight limitations; providing for the designation and undesignation of certain routes; providing for the weighing of certain vehicles and combinations of vehicles and the enforcement of weight limitations; allowing the use of certain documents as relevant evidence of exceeding vehicle weight limits, and providing exceptions; requiring record keeping for shipments loaded or unloaded, and providing exceptions; imposing civil and criminal penalties; amending Minnesota Statutes 1980, Sections 168.013, Subdivision 3; 169.01, Subdivision 46; 169.03, Subdivision 6; 169.832, Subdivision 11; 169.85; 169.851; 169.86, Subdivision 1a; 169.87, Subdivision 2; 169.871; 169.872; proposing new law coded in Minnesota Statutes, Chapter 169; repealing Minnesota Statutes 1980, Sections 169.83; 169.832, Subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 12; and 169.834.

Referred to the Committee on Transportation.

Messrs. Moe, D.M.; Spear; Renneke; Frederickson and Peterson, C.C. introduced—

S.F. No. 805: A bill for an act relating to state government; authorizing a new account in the Minnesota supplemental investment fund; modifying the post-retirement adjustment; authorizing the state board of investment to invest in commingled funds and limited partnerships; amending Minnesota Statutes 1980, Sections 11A.17; 11A.18, Subdivision 9; and 11A.24, Subdivisions 3, 4, 5, and by adding a subdivision.

Referred to the Committee on Public Employees and Pensions.

Messrs. Johnson and Dicklich introduced—

S.F. No. 806: A bill for an act relating to St. Louis county; permitting the county to maintain two historical societies.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Hanson, Wegener, Johnson, Stern and Knutson introduced—

S.F. No. 807: A bill for an act relating to peace officers; creating the Minnesota law enforcement training account; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 626.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Solon, Ulland, Johnson, Humphrey and Dicklich introduced—

S.F. No. 808: A bill for an act relating to the city of Duluth; authorizing the establishment of a home energy conservation program as part of its municipal utility system and the issuance of municipal revenue bonds or notes for that purpose.

Referred to the Committee on Energy and Housing.

Messrs. Davis, Bertram, Pehler, Setzepfandt and Kroening introduced—

S.F. No. 809: A bill for an act relating to agriculture; applying food licensing provisions to certain food preparers; amending Minnesota Statutes 1980, Section 28A.15, Subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Davis, Rued, Pehler, Setzepfandt and Luther introduced—

S.F. No. 810: A bill for an act relating to pollution; authorizing water pollution control fund grants for certain wastewater treatment projects; authorizing issuance of Minnesota state water pollution control bonds; appropriating money; amending Minnesota Statutes 1980, Section 116.18, Subdivisions 1 and 4.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Chmielewski, Frederick, Taylor and Schmitz introduced—

S.F. No. 811: A bill for an act relating to public holidays; regulating the observance of Memorial Day; amending Minnesota Statutes 1980, Sections 465.50; and 645.44, Subdivision 5.

Referred to the Committee on Veterans' Affairs.

Mr. Johnson introduced—

S.F. No. 812: A bill for an act relating to governmental operations; prohibiting the use of state government vehicles for nongovernmental functions; amending Minnesota Statutes 1980, Section 16.753, by adding a subdivision.

Referred to the Committee on Governmental Operations.

Messrs. Johnson and Dicklich introduced—

S.F. No. 813: A bill for an act relating to education; requiring schools and certain other institutions to conduct monthly fire drills; requiring an annual report of the drills to the state fire marshal; removing the requirement of posting records of drills within buildings; requiring one drill a year under the supervision of a local fire department; amending Minnesota Statutes 1980, Section 299F.30.

Referred to the Committee on Education.

Mr. Schmitz introduced—

S.F. No. 814: A bill for an act relating to metropolitan government; removing the city of Victoria from the metropolitan transit area and taxing district; amending Minnesota Statutes 1980, Sections 473.403; and 473.446, Subdivision 2.

Referred to the Committee on Transportation.

Messrs. Humphrey, Olhoft, Sikorski and Luther introduced—

S.F. No. 815: A bill for an act relating to nuclear energy; adding additional conditions for nuclear fission thermal power plant certificates of need; altering certain rate base computations; amending Minnesota Statutes 1980, Sections 116H.02, by adding subdivisions; 116H.13, by adding a subdivision; and 216B.16, Subdivision 6.

Referred to the Committee on Energy and Housing.

Messrs. Knutson, Rued, Knoll and Merriam introduced—

S.F. No. 816: A bill for an act relating to courts; proposing an amendment to the Minnesota Constitution, Article VI, Sections 1, 2, 5 and 6, providing for a court of appeals; providing for election of judges; conferring certain powers and duties on the court of appeals; amending Minnesota Statutes 1980, Sections 2.724, Subdivision 2; 3.751, Subdivision 4; 5.08, Subdivision 2; 10A.01, Subdivisions 5 and 19; 15.0416; 15.0417; 15.0424, Subdivisions 1, 2, 3 and 6; 15.0426; 32A.09, Subdivision 5; 43.01, Subdivision 18; 43.43, Subdivision 2; 43.491, Subdivision 4; 44.09, Subdivision 3; 45.07; 45.17, Subdivision 5; 49.18; 51A.03, Subdivision 3; 51A.07; 56.23; 60A.05; 60A.15, Subdivisions 11 and 12; 72A.27; 84.59; 97.481, Subdivision 2; 97.50, Subdivision 6; 106.631, Subdivisions 5 and 6; 110A.36; 111.42; 112.82, Subdivisions 1 and 2; 114.13, Subdivision 4; 115.49, Subdivision 5; 116A.19, Subdivision 4; 116C.65; 122.23, Subdivision 16c; 123.32, Subdivision 25; 124.212, Subdivision 17; 127.25, Subdivision 3; 145.698, Subdivision 2; 145.838, Subdivision 4; 150A.08, Subdivision 2; 161.34, Subdivision 4; 168.68; 175.0061; 176.081, Subdivision 4; 176.135, Subdivision 1; 176.225, Subdivision 1; 176.461; 176.471, Subdivisions 1, 2, 4, 6, 7, 8 and 9; 176.481; 176.491; 176.501; 176.511, Subdivisions 4 and 5; 177.29, Subdivision 2; 178.09, Subdivision 2; 179.64, Subdivision 5; 181A.10, Subdivision 2; 185.15; 192A.255, Subdivision 1; 197.481, Subdivision 6; 202A.22, Subdivisions 1, 3 and 5; 202A.25, Subdivisions 1 and 1a; 203A.12, Subdivision 5; 203A.21, Subdivision 1; 204A.04, Subdivision 2; 209.09;

209.10, Subdivision 1; 210A.01, Subdivision 3; 237.39; 244.11; 246.55; 253A.15, Subdivision 2; 253A.21, Subdivision 5; 256.045, Subdivisions 9 and 10; 259.32; 260.291, Subdivision 2; 268.06, Subdivision 20; 268.10, Subdivision 8; 270.076, Subdivision 2; 270.22; 270.23; 270.26; 271.01, Subdivision 5; 271.07; 271.09, Subdivision 1; 271.10, Subdivisions 1 and 2; 271.12; 271.19; 273.16; 279.21; 290.48, Subdivision 6; 290.65, Subdivisions 2 and 9; 290.92, Subdivision 6; 294.09, Subdivision 3; 297.08, Subdivisions 3 and 4; 297A.15, Subdivision 4; 298.09, Subdivision 3; 299F.25; 299F.26, Subdivision 3; 340.404, Subdivision 7; 340.54, Subdivision 2; 357.07; 357.08; 363.072, Subdivisions 1 and 2; 373.11; 375.67, Subdivision 3; 387.41; 412.092, Subdivision 1; 414.07, Subdivision 2; 414.08; 419.12; 420.13; 430.03; 430.031, Subdivision 4; 462.14, Subdivision 12; 462.715; 465.43; 473.675, Subdivision 4; 480.01; 480.054; 480.055, Subdivision 1; 480.061, Subdivision 8; 480.062; 480.19; 483.02; 484.63; 487.39, Subdivisions 1 and 2; 488A.01, Subdivision 14; 488A.17, Subdivision 12; 488A.18, Subdivision 14; 488A.34, Subdivision 11; 501.35; 508.29; 525.71; 558.215; 562.04; 571.64; 574.18; 582.11; 586.09; 586.11; 589.29; 589.30; 590.01, Subdivision 1; 590.04, Subdivision 3; 590.06; 595.024, Subdivision 3; 595.025, Subdivision 3; 611.07, Subdivisions 2 and 3; 611.071, Subdivisions 1 and 2; 611.14; 611.18; 611.25; 648.39, Subdivision 1; proposing new law coded as Minnesota Statutes, Chapter 480A; repealing Minnesota Statutes 1980, Sections 80A.24, Subdivision 3; 363.10; 473.597; and 525.74.

Referred to the Committee on Judiciary.

Messrs. Spear, Kroening, Ms. Berglin and Mr. Frederickson introduced—

S.F. No. 817: A bill for an act relating to retirement; the Minneapolis employees retirement fund; establishing a new retirement benefit fund therein; transferring assets from the Minnesota post-retirement investment fund; amending Minnesota Statutes 1980, Section 422A.06, Subdivisions 1, 3, 4, 5, and by adding a subdivision.

Referred to the Committee on Public Employees and Pensions.

Messrs. Peterson, C.C.; Johnson; Hanson; Waldorf and Bernhagen introduced—

S.F. No. 818: A bill for an act relating to game and fish; restricting the taking of bear to adult bear; amending Minnesota Statutes 1980, Section 100.27, Subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Bernhagen and Wegener introduced—

S.F. No. 819: A bill for an act relating to agriculture; increasing a variety of fees charged by the department of agriculture for services, inspections, and other duties; establishing a revolving fund; appropriating money; amending Minnesota Statutes 1980, Sections 17B.15; 18.51, Subdivision 2; 18.52, Subdivision 5; 18.54, Subdivision 1; 19.19, Subdivisions 1 and 2; 19.20, Subdivision 4; 223.03; 223.12, Subdivision 1; 231.16; 232.02, Subdivisions 1, 2, and 3; and 233.08.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Schmitz; Renneke; Moe, R.D.; Nelson and Hanson introduced—

S.F. No. 820: A bill for an act relating to elections; changing certain election procedures, requirements and time limits; amending Minnesota Statutes 1980, Sections 201.071, Subdivision 1; 202A.26, Subdivision 1; 203A.22, Subdivision 4; 203A.31, Subdivisions 1 and 3; 203A.32; 204A.04, Subdivision 1; 204A.13, Subdivision 1; 204A.17, Subdivision 1; 204A.18, Subdivision 2; 204A.53, Subdivision 2; 204A.54, Subdivision 1; 205.03, Subdivisions 1 and 3; 207.03, Subdivision 1; 207.04, Subdivision 1; 207.20, Subdivision 1; 207.22; and 209.02, Subdivision 4; repealing Minnesota Statutes 1980, Sections 201.091, Subdivision 5; 202A.54; and 206.18.

Referred to the Committee on Elections and Reapportionment.

Mr. Schmitz introduced—

S.F. No. 821: A bill for an act relating to taxation; sales and use; permitting a deduction for the costs of collection and remittance; amending Minnesota Statutes 1980, Section 297A.26, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Mr. Schmitz, Mrs. Stokowski, Messrs. Knutson and Kroening introduced—

S.F. No. 822: A bill for an act relating to occupations and professions; providing for oral examinations of electricians by the board of electricity; amending Minnesota Statutes 1980, Section 326.242, Subdivision 7.

Referred to the Committee on Governmental Operations.

Messrs. Setzepfandt, Dahl and Vega introduced—

S.F. No. 823: A bill for an act relating to transportation; regulating apportionment from the municipal state-aid street fund; providing for the inclusion of certain cities in the 1981 apportionment of municipal state-aid street funds.

Referred to the Committee on Transportation.

Messrs. Davies, Spear, Dieterich and Bernhagen introduced—

S.F. No. 824: A bill for an act relating to civil actions; repealing provisions of law which require that a person bringing an action against a public body must obtain a surety bond; repealing Minnesota Statutes 1980, Chapter 562.

Referred to the Committee on Judiciary.

Messrs. Davies; Peterson, R.W.; Dieterich and Bernhagen introduced—

S.F. No. 825: A bill for an act relating to courts; abolishing the maintenance of certain court records; amending Minnesota Statutes 1980, Sections 485.07; 548.08; 548.15; 548.22; 548.24; and 572.22, Subdivision 1.

Referred to the Committee on Judiciary.

Messrs. Davies; Peterson, C.C.; Johnson and Bernhagen introduced—

S.F. No. 826: A bill for an act relating to taxation; income; providing that

forms for returns shall reflect federal changes affecting the computation of Minnesota taxes for individuals, estates and trusts; proposing new law coded in Minnesota Statutes, Chapter 290.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Davies, Tennessen, Hanson and Bernhagen introduced—

S.F. No. 827: A bill for an act relating to arson; prescribing procedures for the investigation of fires by the fire marshal; amending Minnesota Statutes 1980, Sections 299F.08; and 299F.09.

Referred to the Committee on Judiciary.

Messrs. Davies, Tennessen, Luther and Bernhagen introduced—

S.F. No. 828: A bill for an act relating to no-fault automobile insurance; providing a civil penalty for failure to provide the required security; amending Minnesota Statutes 1980, Section 65B.67, by adding a subdivision.

Referred to the Committee on Commerce.

Messrs. Davies and Moe, D.M. introduced—

S.F. No. 829: A bill for an act relating to state government agencies and officials; requiring rules, findings of facts, written opinions, and precedents in certain circumstances; expanding judicial review of actions of agencies and officials; proposing new law coded in Minnesota Statutes, Chapter 15.

Referred to the Committee on Governmental Operations.

Messrs. Davies; Peterson, R.W. and Dahl introduced—

S.F. No. 830: A bill for an act relating to creditor's remedies; providing for an increase in the amount of household goods exemption; amending Minnesota Statutes 1980, Section 550.37, Subdivision 4.

Referred to the Committee on Judiciary.

Messrs. Tennessen, Stern, Bang, Petty and Benson introduced—

S.F. No. 831: A bill for an act relating to commerce; regulating consumer credit and related finance charges, insurance, loans and other conditions of credit; enacting the uniform consumer credit code; providing penalties; amending Minnesota Statutes 1980, Sections 53.01; 53.04, Subdivisions 1 and 3; 53.051; 61B.03, Subdivisions 7 and 8; and 62E.02, Subdivision 11; proposing new law coded in Minnesota Statutes, Chapter 337; repealing Minnesota Statutes 1980, Sections 48.153; 48.154; 48.155; 48.156; 48.157; 48.185; 48.195; 48.196; 52.14; 53.04, Subdivisions 4, 6, and 7; 168.66; 168.67; 168.68; 168.69; 168.70; 168.705; 168.706; 168.71; 168.72; 168.73; 168.74; 168.75; 168.76; 168.77; 325G.15; 325G.16; 325G.21; 325G.22; 334.01; 334.011; 334.012; 334.02; 334.021; 334.03; 334.04; 334.05; 334.06; 334.061; 334.16; 334.17; 334.18; and 334.19; and Chapter 56.

Referred to the Committee on Commerce.

Messrs. Tennessen, Petty, Bang, Purfeerst and Mrs. Brataas introduced—

S.F. No. 832: A bill for an act relating to financial institutions; authorizing the establishment of certain branch banks by banks located in this state; providing for application and approval of branch banks; permitting change of locations and office closings; permitting establishment of branch banks through merger or consolidation; authorizing the acquisition of banks or trust companies located in this state by foreign bank holding companies under certain prescribed conditions; amending Minnesota Statutes 1980, Section 49.34; proposing new law coded in Minnesota Statutes, Chapters 47 and 48; repealing Minnesota Statutes 1980, Section 48.34.

Referred to the Committee on Commerce.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Thursday, March 19, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TWENTY-FOURTH DAY

St. Paul, Minnesota, Thursday, March 19, 1981

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

Prayer was offered by the Chaplain, Rev. Dennis G. Albrecht.

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

Ashbach	Dicklich	Lantry	Peterson, C.C.	Solon
Bang	Dieterich	Lessard	Peterson, D.L.	Spear
Belanger	Engler	Lindgren	Peterson, R.W.	Stern
Benson	Frederickson	Luther	Petty	Stokowski
Berg	Hanson	Menning	Pillsbury	Stumpf
Berglin	Humphrey	Merriam	Purfeerst	Taylor
Bernhagen	Johnson	Moe, D.M.	Ramstad	Tennessen
Bertram	Keefe	Moe, R.D.	Renneke	Ulland
Brataas	Knoll	Nelson	Rued	Vega
Chmielewski	Knutson	Nichols	Schmitz	Waldorf
Dahl	Kroening	Olhoft	Setzepfandt	Wegener
Davies	Kronebusch	Pehler	Sieloff	Willet
Davis	Langseth	Penny	Sikorski	

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. Frank, Frederick and Hughes 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. 97 and 175.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 16, 1981

Mr. President:

I have the honor to announce the adoption by the House of the following Senate Concurrent Resolution, herewith returned:

Senate Concurrent Resolution No. 4: A Senate concurrent resolution relating

to commemoration of the centennial of the appointment of William Mitchell as Associate Justice of the Minnesota Supreme Court.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 16, 1981

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. 247: A bill for an act relating to metropolitan government; providing for the maximum amount of the borrowing authorization of the metropolitan airports commission; requiring the installation of certain equipment; mandating a noise abatement plan; amending Minnesota Statutes 1980, Sections 473.608, Subdivision 20, and by adding a subdivision; and 473.667, Subdivision 2.

Senate File No. 247 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 16, 1981

Mr. Purfeerst moved that the Senate do not concur in the amendments by the House to S. F. No. 247, 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. 28, 111, 57, 84, 241, 321, 341, 470, 496 and 564.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 16, 1981

FIRST READING OF HOUSE BILLS

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

H. F. No. 28: A bill for an act relating to agriculture; prohibiting pension or investment funds from farming or acquiring certain farm land; amending Minnesota Statutes 1980, Section 500.24, Subdivisions 2, 3, 4 and 5.

Referred to the Committee on Agriculture and Natural Resources.

H. F. No. 111: A bill for an act relating to public welfare; providing for the withholding of child support or maintenance; amending Minnesota Statutes 1980, Sections 256.87, Subdivision 1; 256.872; 256.873; and 518.611.

Referred to the Committee on Judiciary.

H. F. No. 57: A bill for an act relating to real estate; directing a conveyance of the states right, title and interest in certain lands to Independent School

District No. 417 of Tracy, Minnesota.

Referred to the Committee on Agriculture and Natural Resources.

H. F. No. 84: A bill for an act relating to the city of St. James; authorizing the issuance of revenue bonds for the acquisition and betterment of an airport facility.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 88, now on General Orders.

H. F. No. 241: A bill for an act relating to local government; removing a limit on advertising budgets of certain statutory cities; amending Minnesota Statutes 1980, Section 465.56, Subdivision 1; repealing Minnesota Statutes 1980, Section 465.56, Subdivision 2.

Referred to the Committee on Local Government and Urban Affairs.

H. F. No. 321: A bill for an act relating to the city of St. Paul; authorizing the issuance of a license for the sale of intoxicating liquor at Town Square Park.

Referred to the Committee on Commerce.

H. F. No. 341: A bill for an act relating to the city of Edina; providing for the purchasing and contracting authority of the city manager and council.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 459, now on General Orders.

H. F. No. 470: A bill for an act relating to the department of public safety; changing the name of the highway patrol to the state patrol; amending Minnesota Statutes 1980, Section 299D.01, Subdivision 1.

Referred to the Committee on General Legislation and Administrative Rules.

H. F. No. 496: A bill for an act relating to intoxicating liquor; proof required to purchase, possess or consume; amending Minnesota Statutes 1980, Section 340.039.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 10, now on the Calendar.

H. F. No. 564: A bill for an act relating to insurance; allowing a township mutual fire insurance company to insure certain property; amending Minnesota Statutes 1980, Section 67A.14, Subdivision 5.

Referred to the Committee on Commerce.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S. F. No. 227. The motion prevailed.

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

S. F. No. 538: A bill for an act relating to housing; providing new standards and procedures for disclosing conflicts of interest for commissioners and em-

ployees of housing and redevelopment authorities; establishing penalties; proposing new law coded in Minnesota Statutes, Chapter 462; repealing Minnesota Statutes 1980, Section 462.431.

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

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

S. F. No. 314: A bill for an act relating to Ramsey County; simplifying the numbering of the county code; amending Laws 1974, Chapter 435, Articles I to IV, as amended.

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

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

H. F. No. 38: A bill for an act relating to local government; permitting the city of Northfield to make payments to the town of Waterford as a condition of an annexation.

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

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

S. F. No. 227: A bill for an act relating to the organization and operation of government; requiring a study of the proper role and structure of metropolitan government agencies; requiring a review of the distribution of powers and duties between the metropolitan council, the metropolitan commissions, the legislature and political subdivisions within the metropolitan area; mandating a report; providing for certain services to be performed by the state planning agency; appropriating money.

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

Delete everything after the enacting clause and insert:

"Section 1. [POLICY.]

The legislature finds that institutions of governance in the metropolitan area, as defined in section 473.121, have gone through a substantial evolutionary process in recent years; that legislation relating to the purpose, structure, operation and effects of those institutions and the policies and programs is regularly submitted to the legislature; and that such legislation raises important and enduring issues of governmental philosophy and practice. The legislature therefore declares that a legislative commission should be temporarily established as a forum in which to undertake a thorough review of governance in the metropolitan area and to develop a comprehensive state policy on the subject.

Sec. 2. [LEGISLATIVE COMMISSION ON METROPOLITAN GOVERNANCE.]

Subdivision 1. [CREATION; MEMBERSHIP.] *There is created a legisla-*

tive commission on metropolitan governance consisting of five members of the House of Representatives appointed by the speaker and five members of the Senate appointed by the chairman of the Senate committee on rules and administration. Members shall be compensated in the same manner and amount as for other legislative service.

Subd. 2. [ORGANIZATION; STAFF.] *The commission shall choose a chairperson and other officers as necessary. The commission may hold meetings and hearings and subpoena witnesses and records. Staff and administrative support for the commission shall be provided by existing legislative service offices.*

Subd. 3. [DUTIES.] *The object of the commission shall be to develop, articulate and recommend to the legislature a comprehensive policy on governance in the metropolitan area, with special emphasis on the interrelationships of governmental units. The commission shall consider issues and policies relating at least to the following subjects:*

(a) the assignment or reassignment of governmental responsibilities to ensure performance by the appropriate levels and units of government;

(b) the relationships among the metropolitan council and the various metropolitan special purpose agencies and between these metropolitan institutions and other units and agencies of government, both within and surrounding the metropolitan area, and methods for coordinating policies and programs and for resolving disputes among these institutions of governments, including methods for assessing and controlling the unforeseen external effects of metropolitan area policies and programs;

(c) the structure and powers of the various metropolitan special purpose agencies and the metropolitan council;

(d) the membership of the metropolitan council and metropolitan agencies, including eligibility requirements, selection and appointment methods, accountability, and representational equity;

(e) the financing of metropolitan institutions, facilities, and services; and

(f) the appropriate uses of the authority of the metropolitan council and metropolitan agencies to review local applications for state and federal financial assistance.

Sec. 3. [REPORT.]

The commission shall submit a report of its findings and recommendations to the legislature no later than January 5, 1983.

Sec. 4. [EFFECTIVE DATE.]

This act is effective the day after final enactment and shall expire January 6, 1983."

Amend the title as follows:

Page 1, line 3, delete everything after the semicolon

Page 1, delete lines 4 to 11 and insert "creating a legislative commission on metropolitan governance; requiring a study of relationships among metropolitan institutions and agencies of government; specifying other duties; mandat-

ing a report to the legislature."

And when so amended the bill do pass and be re-referred to the Committee on Rules and Administration. Mr. Knoll questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

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

S. F. No. 598: A bill for an act relating to transportation; permitting establishment of toll bridges on county highways and county state aid highways; authorizing the issuance of bonds to finance their cost; proposing new law coded in Minnesota Statutes, Chapter 165.

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

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

S. F. No. 31: A bill for an act relating to transportation; restricting the powers of the commissioner of transportation with respect to a certain trunk highway within the city of St. Paul; proposing new law coded in Minnesota Statutes, Chapter 161.

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

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

S. F. No. 430: A bill for an act relating to taxation; clarifying which parties are to be served with notices of appeal; changing requirements for filing certain abstracts and statements of exemption; changing certain fees to be charged by county auditors and treasurers; changing method of computing native prairie and wetland credits and attached machinery aids; clarifying assessment of property of cooperative associations; eliminating a special levy; providing certain dates for delivery and return of tax lists; providing interest rates on delinquent taxes; repealing publisher's bonds; changing certain definitions for the property tax refund; providing additional authority for county boards to reduce values; providing county valuation of certain airport property; amending Minnesota Statutes 1980, Sections 270.11, Subdivision 2; 271.10, Subdivision 2; 272.025, Subdivision 3; 272.46; 272.47; 273.115, Subdivision 1; 273.116, Subdivision 1; 273.138, Subdivision 2; 273.40; 275.50, Subdivision 5; 276.01; 277.15; 279.02; 279.03; 279.14; 290A.03, Subdivision 13; 375.192, Subdivision 2; 473.626; repealing Minnesota Statutes 1980, Section 279.11.

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

Page 2, line 26, delete "Peturn" and insert "Return"

Page 2, after line 29, insert:

"Sec. 3. Minnesota Statutes 1980, Section 272.02, Subdivision 1, is amended to read:

Subdivision 1. Except as provided in other subdivisions of this section or in section 272.025 or section 273.13, subdivisions 17, 17b, 17c or 17d, all

property described in this section to the extent herein limited shall be exempt from taxation:

(1) All public burying grounds;

(2) All public schoolhouses;

(3) All public hospitals;

(4) All academies, colleges, and universities, and all seminaries of learning;

(5) All churches, church property, and houses of worship;

(6) Institutions of purely public charity except property assessed pursuant to section 273.13, subdivisions 17, 17b, 17c or 17d;

(7) All public property exclusively used for any public purpose;

(8) All natural cheese held in storage for aging by the original Minnesota manufacturer;

(9) (a) Class 2 property of every household of the value of $100, maintained in the principal place of residence of the owner thereof. The county auditor shall deduct such exemption from the total valuation of such property as equalized by the revenue commissioner assessed to such household, and extend the levy of taxes upon the remainder only. The term "household" as used in this section is defined to be a domestic establishment maintained either (1) by two or more persons living together within the same house or place of abode, subsisting in common and constituting a domestic or family relationship, or (2) by one person.

(b) During the period of his active service and for six months after his discharge therefrom, no member of the armed forces of the United States shall lose status of a householder under paragraph (a) which he had immediately prior to becoming a member of the armed forces.

In case there is an assessment against more than one member of a household the $100 exemption shall be divided among the members assessed in the proportion that the assessed value of the Class 2 property of each bears to the total assessed value of the Class 2 property of all the members assessed. The Class 2 property of each household claimed to be exempt shall be limited to property in one taxing district, except in those cases where a single domestic establishment is maintained in two or more adjoining districts.

Bonds and certificates of indebtedness hereafter issued by the state of Minnesota, or by any county or city of the state, or any town, or any common or independent school district of the state, or any governmental board of the state, or any county or city thereof, shall hereafter be exempt from taxation; provided, that nothing herein contained shall be construed as exempting such bonds from the payment of a tax thereon, as provided for by section 291.01, when any of such bonds constitute, in whole or in part, any inheritance or bequest, taken or received by any person or corporation.

(10) Farm machinery manufactured prior to 1930, which is used only for display purposes as a collectors item;

(11) The taxpayer shall be exempted with respect to, all agricultural products, inventories, stocks of merchandise of all sorts, all materials, parts and supplies, furniture and equipment, manufacturers material, manufactured ar-

ticles including the inventories of manufacturers, wholesalers, retailers and contractors; and the furnishings of a room or apartment in a hotel, rooming house, tourist court, motel or trailer camp, tools and machinery which by law are considered as personal property, and the property described in section 272.03, subdivision 1, clause (c), except personal property which is part of an electric generating, transmission, or distribution system or a pipeline system transporting or distributing water, gas, or petroleum products or mains and pipes used in the distribution of steam or hot or chilled water for heating or cooling buildings and structures. Railroad docks and wharves which are part of the operating property of a railroad company as defined in section 270.80 are not exempt.

(12) Containers of a kind customarily in the possession of the consumer during the consumption of commodities, the sale of which are subject to tax under the provisions of the excise tax imposed by Extra Session Laws 1967, Chapter 32;

(13) All livestock, poultry, all horses, mules and other animals used exclusively for agricultural purposes;

(14) All agricultural tools, implements and machinery used by the owners in any agricultural pursuit.

(15) Real and personal property used primarily for the abatement and control of air, water, or land pollution to the extent that it is so used, other than real property used primarily as a solid waste disposal site.

Any taxpayer requesting exemption of all or a portion of any equipment or device, or part thereof, operated primarily for the control or abatement of air or water pollution shall file an application with the commissioner of revenue. Any such equipment or device shall meet standards, regulations or criteria prescribed by the Minnesota Pollution Control Agency, and must be installed or operated in accordance with a permit or order issued by that agency. The Minnesota Pollution Control Agency shall upon request of the commissioner furnish information or advice to the commissioner. If the commissioner determines that property qualifies for exemption, he shall issue an order exempting such property from taxation. Any such equipment or device shall continue to be exempt from taxation as long as the permit issued by the Minnesota Pollution Control Agency remains in effect.

(16) Wetlands. For purposes of this subdivision, "wetlands" means land which is mostly under water, produces little if any income, and has no use except for wildlife or water conservation purposes. "Wetlands" shall be land preserved in its natural condition, drainage of which would be feasible and practical and would provide land suitable for the production of livestock, dairy animals, poultry, fruit, vegetables, forage and grains, except wild rice. "Wetlands" shall include adjacent land which is not suitable for agricultural purposes due to the presence of the wetlands. Exemption of wetlands from taxation pursuant to this section shall not grant the public any additional or greater right of access to the wetlands or diminish any right of ownership to the wetlands.

(17) Native prairie. The commissioner of the department of natural resources shall determine lands in the state which are native prairie and shall notify the county assessor of each county in which the lands are located.

Pasture land used for livestock grazing purposes shall not be considered native prairie for the purposes of this clause and section 273.116. Upon receipt of an application for the exemption and credit provided in this clause and section 273.116 for lands for which the assessor has no determination from the commissioner of natural resources, the assessor shall refer the application to the commissioner of natural resources who shall determine within 30 days whether the land is native prairie and notify the county assessor of his decision. Exemption of native prairie pursuant to this clause shall not grant the public any additional or greater right of access to the native prairie or diminish any right of ownership to it."

Page 2, line 32, strike "During each of the" and delete "*five*" and strike "years following the"

Page 2, strike lines 33 to 36 and insert "*Any taxpayer who has filed the statement required by subdivision 1 more than 12 months prior to February 1, 1986, or February 1 of each sixth year after 1986, shall file a statement on February 1, 1986, and February 1 of each sixth year thereafter.*"

Page 3, line 19, delete "asseqqed" and insert "assessed"

Page 4, after line 24, insert:

"Sec. 8. Minnesota Statutes 1980, Section 273.115, is amended by adding a subdivision to read:

Subd. 8. [NOTICE TO LANDOWNERS.] *The assessor of a county in which land designated as a wetland is located shall notify by mail the owner of that property of its designation. Only one notice shall be required for any parcel pursuant to this provision and similar notice given to a property owner prior to the enactment of this provision shall satisfy the requirements of this provision.*"

Pages 5 to 11, delete section 10 and insert:

"Sec. 12. Minnesota Statutes 1980, Section 275.08, is amended to read:

275.08 [AUDITOR TO FIX RATE.]

Subdivision 1. [GENERALLY.] The rate percent of all taxes, except the state tax and taxes the rate of which may be fixed by law, shall be calculated and fixed by the county auditor according to the limitations in this chapter hereinafter prescribed; provided, that if any county, city, town, or school district shall return a greater amount than the prescribed rates will raise, the auditor shall extend only such amount of tax as the limited rate will produce.

Subd. 2. [ESTIMATES.] *If, by December 15 of any year, the county auditor has not received from another county auditor the mill rate or assessed value applicable to any taxing district lying in two or more counties, the county auditor who has not received the necessary information may levy taxes for the overlapping district by estimating the mill rate or the assessed value.*

Subd. 3. [ASSISTANCE OF COUNTY AUDITOR.] *A county auditor who has not furnished the mill rate or assessed value of property in the county by December 15 shall, on request, furnish the county auditor of a county in the overlapping district an estimate of the values or the mill rate. The auditor may request the assistance of the county assessor in determining the estimate.*

Subd. 4. [SUBSEQUENT ADJUSTMENT.] *After the correct mill rate or*

assessed value has been certified, the amount of taxes over or under levied shall be computed and notice sent to each affected taxing district. Thereafter the estimating county auditor shall adjust the levy of the taxing district in the following year to compensate for the amount of variance.

Subd. 5. [EXCESS ESTIMATED LEVY.] *If the estimated tax levy exceeds the correct tax levy based on actual assessed value and mill rate, the excess shall be retained by the county auditor for distribution in the following tax year.*''

Page 11, line 33, delete the new language

Page 12, line 2, strike ''of'', delete ''*eight*'' and strike ''percent per annum'' and insert ''*determined under section 549.09*''

Page 12, line 26, delete the new language

Page 12, line 28, strike ''is fixed at eight percent per annum'' and insert ''*shall be the rate determined pursuant to section 549.09*''

Page 12, line 33, strike ''In''

Page 12, strike lines 34 to 36

Page 14, line 25, after ''*and*'' insert ''*(i)*''

Page 14, line 28, after ''*levied*'' insert ''*; or (ii) the claimant must provide documentation from the local assessor that he has made application for homestead classification prior to the end of that year. If the property has not been classified as a homestead for the full year during which the property taxes payable were levied, the amount of credit allowable to the claimant under sections 290A.01 to 290A.21 shall be apportioned as follows: the credit computed pursuant to section 290A.04 shall be divided by twelve, and that amount shall be multiplied by the number of months in the preceding calendar year during which the application for homestead classification has been filed, including the month of the filing*''

Page 15, line 24, delete ''*to 5, 15, 17, and 19*'' and insert ''*, 2, 4, 5, 6, 8, 17, 19 and 21*''

Page 15, line 25, delete ''*6, 7, 8, and 10*'' and insert ''*3, 7, 9, 10, and 12*''

Page 15, line 27, delete ''*9, 11, and 13*'' and insert ''*11, 13, and 15*''

Page 15, line 28, delete ''*12 and 14*'' and insert ''*14 and 16*'' and delete ''*1980*'' and insert ''*1981*''

Page 15, line 29, delete ''*16*'' and insert ''*18*''

Page 15, line 30, delete ''*18*'' and insert ''*20*''

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon insert ''restricting wetland designation;''

Page 1, line 8, after the semicolon insert ''requiring notice of wetland designation;''

Page 1, line 9, delete ''eliminating a''

Page 1, line 10, delete ''special levy'' and insert ''authorizing estimation of

values and mill rates''

Page 1, line 14, after ''refund'' insert ''and modifying payment to part-year homeowners''

Page 1, line 18, after ''2;'' insert ''272.02, Subdivision 1;''

Page 1, line 19, after ''273.115, Subdivision 1'' insert '', and by adding a subdivision''

Page 1, line 20, delete ''275.50, Subdivision 5'' and insert ''275.08''

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

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

S. F. No. 393: A bill for an act relating to taxation; providing that property owned by certain senior citizens' groups be exempt from taxation; amending Minnesota Statutes 1980, Section 272.02, Subdivision 1.

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

Page 5, line 3, after ''*(18)*'' insert ''*If approved by the governing body of the municipality in which the property is located,*''

Page 5, line 8, after ''*shareholders*'' insert ''*; provided the property is used primarily as a clubhouse, meeting facility or recreational facility by the group or association*''

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

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

S. F. No. 215: A bill for an act relating to taxation; allowing urban towns to increase their tax levy limit base by eight percent per year; amending Minnesota Statutes 1980, Section 275.52, Subdivision 2.

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

Page 1, line 21, delete ''*the day following final enactment*'' and insert ''*for taxes levied in 1981, payable in 1982 and thereafter*''

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

Mr. Stumpf from the Committee on Elections and Reapportionment, to which was referred

S. F. No. 89: A bill for an act relating to elections; clarifying certain sanctions imposed for violation of fair campaign practices act; providing a good faith exception; amending Minnesota Statutes 1980, Section 210A.39.

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

Page 1, after line 10, insert:

"*Subdivision 1.* [PURPOSE.] *The purpose of this section is to protect the integrity of elections by providing that a person who corrupts an election by committing any offense mentioned in sections 210A.01 to 210A.44 shall not have a second opportunity to win the term of office sought in an election which was annulled because of that person's conduct.*"

Renumber the subdivisions in sequence

Page 1, line 19, strike "such" and insert "*the*"

Page 1, line 25, strike "such" and insert "*the*"

Page 2, line 1, strike "shall be" and insert "*is*"

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

Mr. Stumpf from the Committee on Elections and Reapportionment, to which was referred

S. F. No. 520: A bill for an act relating to elections; allowing cities and counties to elect to use data processing systems in lieu of duplicate registration cards; requiring the secretary of state to prescribe alternate forms for duplicate registration files; changing voter verification requirements for cities and counties which elect to use data processing systems; amending Minnesota Statutes 1980, Sections 201.071, Subdivision 4, and by adding subdivisions; 201.221, Subdivision 4; and 204A.29, by adding a subdivision.

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

Page 2, line 18, delete "*Minnesota Statutes,*"

Page 2, line 21, delete "*Minnesota Statutes,*"

Page 2, line 27, delete "*Minnesota Statutes,*"

Page 2, line 36, after the period insert "*A county or municipality which makes the election authorized in section 2 shall make the prescribed duplicate registration file available as authorized by section 201.091 provided that no list which is made available for examination or purchase shall include the day and month of birth of any registered voter.*"

Page 3, line 24, after the period insert "*In accordance with section 203A.17, the county auditor and the clerk of any municipality shall retain the prescribed duplicate registration file used on the date of election for one year following the election.*"

Page 3, line 27, delete "*Minnesota Statutes,*"

Page 3, line 30, delete "*Minnesota Statutes,*"

Page 3, line 33, delete "*Minnesota Statutes,*"

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

Mr. Stumpf from the Committee on Elections and Reapportionment, to which was referred

S. F. No. 72: A bill for an act relating to elections; providing a penalty for

broadcasting certain false information; amending Minnesota Statutes 1980, Section 210A.04, Subdivision 1.

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

Page 1, line 9, delete "Subdivision 1,"

Page 1, after line 9, insert:

"210A.04 [DEFAMATORY CIRCULARS; PENALTY.]"

Page 1, line 10, strike everything after "who"

Page 1, strike lines 11 to 13 and insert "*intentionally participates in the preparation or dissemination of paid political advertising or campaign material*"

Page 1, line 15, before "which" insert "*which is known to be false and*"

Page 1, line 17, strike "shall be" and insert "*is*"

Page 1, after line 17, insert:

"Subd. 2. Subdivision 1 ~~shall~~ *does* not apply to a printer or manufacturer of campaign material whose sole act is the printing or manufacturing of campaign material and delivery to the person who orders it ~~and who does not know such printed matter is false~~ *nor to an owner, publisher, editor, reporter, agent or employee of any newspaper, periodical, magazine or radio and television broadcast station or cable system whose sole act is the dissemination of the false information as advertising paid for in the regular course of business.*"

Amend the title as follows:

Page 1, line 3 after the semicolon, insert "exempting certain broadcasters and publishers;"

Page 1, line 4, delete ", Subdivision"

Page 1, line 5, delete "1"

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

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

S. F. No. 250: A bill for an act relating to economic development; raising certain matching grant limitations; changing the composition of a community development corporation board; amending Minnesota Statutes 1980, Sections 362.12, Subdivision 4; and 362.41, Subdivision 6.

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

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

S. F. No. 581: A bill for an act relating to employment; authorizing the commissioner of economic security to make certain summer youth employment advances; amending Minnesota Statutes 1980, Section 268.34.

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

adopted.

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

S. F. No. 70: A bill for an act relating to evidence; limiting the legislative history admissible to determine legislative intent; declaring testimony of certain individuals and certain kinds of records of legislative proceedings to be not relevant evidence of legislative intent; amending Minnesota Statutes 1980, Section 645.16; proposing new law coded in Minnesota Statutes, Chapter 599.

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

Page 1, line 20, strike "shall" and insert "*may*"

Page 2, line 12, delete "*either*" and insert "*written summaries or*"

Page 2, line 28, after the comma, insert "*written summaries*"

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

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

S. F. No. 510: A bill for an act relating to arrest; providing for the extradition and rendition of accused persons, escapees and other persons subject to orders in criminal proceedings; enacting the uniform extradition and rendition act; amending Minnesota Statutes 1980, Sections 480.059, Subdivision 7; 611.14; and 629.404, Subdivision 2; proposing new law coded as Minnesota Statutes, Chapter 629A; repealing Minnesota Statutes 1980, Sections 629.01 to 629.29.

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

Page 9, line 29, after "*rendition*" insert "*and extradition*"

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

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

S. F. No. 489: A bill for an act relating to crimes; immunity from prosecution; changing the current transactional immunity to conform with federal use immunity; amending Minnesota Statutes 1980, Section 609.09, Subdivision 1.

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. 40 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
40	237				

Pursuant to Rule 49, the Committee on Rules and Administration recom-

mends that H. F. No. 40 be amended as follows:

Page 1, line 7, delete "or" and insert ", *and notwithstanding any*"

Page 1, line 8, delete "shall allow, upon request by" and insert ", *upon receipt of a*"

Page 1, line 9, delete the comma and insert "*requesting action by the state, shall allow*"

Page 1, line 13, after the period insert "*No repurchase shall be allowed unless the commissioner of revenue receives the resolution of the county board not later than 180 days after the effective date of this act.*"

Underline all new language in the bill

And when so amended H. F. No. 40 will be identical to S. F. No. 237, and further recommends that H. F. No. 40 be given its second reading and substituted for S. F. No. 237, 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 were referred

H. F. Nos. 117 and 173 for comparison with companion Senate Files, reports the following House Files were found not identical with their companion Senate Files 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.
117	324				
173	264				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 117 be amended as follows:

Strike all the language after the enacting clause of H. F. No. 117 and insert the language after the enacting clause of S. F. No. 324, as amended by the Committee on Health, Welfare and Corrections, adopted by the Senate March 5, 1981; further, strike the title of H. F. No. 117 and insert the title of S. F. No. 324, as amended.

And when so amended H. F. No. 117 will be identical to S. F.No. 324, and further recommends that H. F. No. 117 be given its second reading and substituted for S. F. No. 324, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 173 be amended as follows:

Strike all the language after the enacting clause of H. F. No. 173 and insert the language after the enacting clause of S. F. No. 264, as amended by the Committee on Judiciary, adopted by the Senate March 12, 1981; further, strike the title of H. F. No. 173 and insert the title of S. F. No. 264, as amended.

And when so amended H. F. No. 173 will be identical to S. F.No. 264, and further recommends that H. F. No. 173 be given its second reading and substituted for S. F. No. 264, 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. 77 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.
77	131				

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.

SECOND READING OF SENATE BILLS

S. F. Nos. 538, 314, 31, 430, 393, 215, 89, 520, 72, 250, 581, 70, 510 and 489 were read the second time.

SECOND READING OF HOUSE BILLS

H. F. Nos. 38, 40, 117, 173 and 77 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Frank moved that the name of Ms. Berglin be added as co-author to Senate Resolution No. 24. The motion prevailed.

Mr. Davies moved that the name of Mr. Dahl be added as co-author to S. F. No. 489. The motion prevailed.

Mr. Sieloff moved that the name of Mr. Merriam be added as co-author to S. F. No. 539. The motion prevailed.

Mr. Schmitz moved that the names of Messrs. Ashbach, Engler and Renneke be added as co-authors to S. F. No. 619. The motion prevailed.

Mr. Penny moved that the name of Mr. Olhoft be added as co-author to S. F. No. 665. The motion prevailed.

Mr. Dicklich moved that the name of Mr. Benson be added as co-author to S. F. No. 709. The motion prevailed.

Mr. Penny moved that the name of Mr. Nelson be added as co-author to S. F. No. 759. The motion prevailed.

Mr. Keefe moved that the name of Mr. Bernhagen be added as co-author to S. F. No. 765. The motion prevailed.

Mr. Dicklich moved that the name of Mr. Penny be added as co-author to S.

F. No. 767. The motion prevailed.

Mr. Nelson moved that the names of Messrs. Sikorski, Renneke and Purfeerst be added as co-authors to S. F. No. 775. The motion prevailed.

Mr. Johnson moved that the names of Messrs. Frank and Dahl be added as co-authors to S. F. No. 812. The motion prevailed.

Mr. Johnson moved that the name of Mr. Dahl be added as co-author to S. F. No. 813. The motion prevailed.

Mr. Humphrey moved that the name of Ms. Berglin be added as co-author to S. F. No. 815. The motion prevailed.

Mr. Vega introduced—

Senate Resolution No. 26: A Senate resolution congratulating the Packers hockey team from South St. Paul High School for its third place finish in the State High School Hockey Tournament.

Referred to the Committee on Rules and Administration.

Mr. Dicklich introduced—

Senate Resolution No. 27: A Senate resolution recognizing the contribution of staff members of the Virginia, Minnesota, Regional Medical Center Convalescent and Nursing Care Unit to the quality of health care in Minnesota.

Referred to the Committee on Rules and Administration.

Messrs. Hanson and Moe, R.D. introduced—

Senate Resolution No. 28: A Senate resolution relating to the proclamation of Minnesota Agriculture Day in connection with National Agriculture Day.

WHEREAS, agriculture is the basic industry of this nation and the state of Minnesota and provides more jobs than any other single industry; and,

WHEREAS, the productivity of Minnesota and American agriculture is vital for our strength as a state and a nation; and,

WHEREAS, it is necessary that all Americans understand how agriculture affects their lives individually and that each of us should be aware of our personal stake in an abundant food and fiber supply and the necessity to keep our agricultural industry, our nation, and state strong; and,

WHEREAS, the Congress and the President of the United States have formally designated March 19, 1981 as "National Agricultural Day" in recognition of this important vital industry; and,

WHEREAS, this occasion is of special significance in our state, the fifth leading agricultural state, and the men and women of our agricultural community deserve recognition; and,

WHEREAS, special note should be made of the dual responsibility of the farm woman for the farm business and for homemaking, serving as a working partner in their expanding role as a new voice for agriculture; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Minnesota, that Thursday,

March 19, 1981, is proclaimed to be Minnesota Agriculture Day. All residents of Minnesota are encouraged to participate and support all state and private agencies in Minnesota Agriculture Day activities.

BE IT FURTHER RESOLVED that copies of this resolution shall be enrolled by the Secretary of the Senate, to be authenticated by his signature and that of the President, and be presented to representatives of Minnesota agriculture.

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

Mr. Schmitz introduced—

Senate Resolution No. 29: A Senate resolution extending congratulations to Waconia High School for being selected as Minnesota's representative in the Festival of States competition in St. Petersburg, Florida.

Referred to the Committee on Rules and Administration.

Messrs. Wegener and Frank introduced—

Senate Resolution No. 30: A Senate resolution congratulating the wrestling team from Staples High School for winning the 1981 Class A State High School Wrestling Championship.

Referred to the Committee on Rules and Administration.

Mr. Wegener introduced—

Senate Resolution No. 31: A Senate resolution extending congratulations to Ray Zanda of Browerville, Minnesota, on his championship in the 1981 State Wrestling Tournament.

Referred to the Committee on Rules and Administration.

Mr. Moe, R.D. introduced—

Senate Resolution No. 32: A Senate resolution to welcome and recognize the members of the Legislative Leadership Training Program of the West African nation of Nigeria, to acknowledge and applaud their efforts and the efforts of their country towards establishing and preserving a democracy for their people.

WHEREAS, the people of the West African nation of Nigeria have chosen a democratic form of government through their constitution signed in October 1979; and

WHEREAS, the National Assembly and nineteen unicameral state assemblies, having been newly created by this Constitutional mandate, have thus sought to strengthen their legislatures by sending delegations of legislative leaders to the United States for study and observation; and,

WHEREAS, as a part of this program, a delegation of legislative leaders from Nigeria is presently observing the Minnesota State Legislature, NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Minnesota that the mem-

bers of the Nigerian Legislative Leadership Training Program who are presently observing the Minnesota State Legislature are hereby welcomed and duly recognized, as are their efforts and the efforts of their country towards establishing and preserving a democracy for their people.

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

CALENDAR

S. F. No. 30: A bill for an act relating to public utilities; redefining the term "public utility" so as to exempt from public service commission jurisdiction certain small natural gas utilities; amending Minnesota Statutes 1980, Section 216B.02, Subdivision 4.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 1, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Lessard	Petty	Stokowski
Bang	Engler	Lindgren	Pillsbury	Stumpf
Belanger	Frederickson	Luther	Purfeerst	Taylor
Benson	Hanson	Menning	Ramstad	Tennessen
Berg	Humphrey	Merriam	Renneke	Ulland
Berglin	Johnson	Moe, D.M.	Rued	Vega
Bernhagen	Keefe	Moe, R.D.	Schmitz	Waldorf
Bertram	Knoll	Nelson	Setzepfandt	Wegener
Brataas	Knutson	Pehler	Sieloff	Willet
Chmielewski	Kroening	Penny	Sikorski	
Dahl	Kronebusch	Peterson, C.C.	Solon	
Davies	Langseth	Peterson, D.L.	Spear	
Davis	Lantry	Peterson, R.W.	Stern	

Mr. Dieterich voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 87: A bill for an act relating to commerce; clarifying the definition of a "sale of goods" as it applies to consumer credit sales to include certain terminable bailments or leases; clarifying the interests of the respective parties; providing for a certain contract provision; amending Minnesota Statutes 1980, Sections 325G.15, Subdivision 5; and 325G.16, by adding subdivisions.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Lessard	Peterson, R.W.	Stokowski
Bang	Engler	Lindgren	Petty	Stumpf
Benson	Frederickson	Luther	Pillsbury	Taylor
Berg	Hanson	Menning	Purfeerst	Tennessen
Berglin	Humphrey	Merriam	Ramstad	Ulland
Bernhagen	Johnson	Moe, D.M.	Renneke	Vega
Bertram	Keefe	Moe, R.D.	Rued	Waldorf
Brataas	Knoll	Nelson	Schmitz	Wegener
Chmielewski	Knutson	Olhoft	Setzepfandt	Willet
Dahl	Kroening	Pehler	Sikorski	
Davies	Kronebusch	Penny	Solon	
Davis	Langseth	Peterson, C.C.	Spear	
Dicklich	Lantry	Peterson, D.L.	Stern	

So the bill passed and its title was agreed to.

S. F. No. 209: A bill for an act relating to gambling devices; clarifying definitions of gambling devices; authorizing an additional gambling device; authorizing certain payments for operation of gambling devices; changing prize limitations; changing the penalty provision for violation; amending Minnesota Statutes 1980, Sections 349.26, Subdivisions 2, 4, 5, 12, 13, 14 and 15, and by adding a subdivision; 349.30, Subdivision 2; and 349.31, Subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 41 and nays 20, as follows:

Those who voted in the affirmative were:

Bang	Johnson	Moe, D.M.	Ramstad	Taylor
Benson	Keefe	Moe, R.D.	Schmitz	Vega
Brataas	Knoll	Nelson	Setzepfandt	Waldorf
Chmielewski	Kronebusch	Pehler	Sikorski	Wegener
Davis	Langseth	Penny	Solon	Willet
Dicklich	Lantry	Peterson, C.C.	Spear	
Engler	Lessard	Petty	Stern	
Frederickson	Lindgren	Pillsbury	Stokowski	
Humphrey	Luther	Purfeerst	Stumpf	

Those who voted in the negative were:

Ashbach	Bertram	Knutson	Olhoft	Rued
Belanger	Dahl	Kroening	Peterson, D.L.	Sieloff
Berg	Davies	Menning	Peterson, R.W.	Tennessen
Bernhagen	Dieterich	Merriam	Renneke	Ulland

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Penny in the chair.

After some time spent therein, the committee arose, and Mr. Penny reported that the committee had considered the following:

S. F. Nos. 345, 620 and 139, which the committee recommends to pass.

S. F. No. 42, which the committee recommends to pass with the following amendment offered by Mr. Davies:

Page 2, line 7, strike "the time for filing"

Page 2, line 30, reinstate the stricken "seven" and delete "*ten*"

The motion prevailed. So the amendment was adopted.

S. F. No. 99, which the committee recommends to pass with the following amendment offered by Mr. Nelson:

Page 12, line 11, delete "*Sections*" and insert "*Section*"

Page 12, line 11, delete "*and 210A.39, are*" and insert "*is*"

Amend the title as follows:

Page 1, line 11, delete "Sections" and insert "Section"

Page 1, line 11, delete "; and 210A.39"

The motion prevailed. So the amendment was adopted.

S. F. No. 338, which the committee recommends to pass with the following amendment offered by Mr. Nelson:

Page 2, line 23, delete "*the day following its final enactment*" and insert "*July 1, 1981*"

The motion prevailed. So the amendment was adopted.

S. F. No. 179, which the committee recommends to pass with the following amendment offered by Ms. Berglin:

Page 1, line 7, after "Section 362.40," insert "Subdivision 2,"

Page 1, delete lines 9 to 11

Page 1, delete lines 15 to 25

Page 2, delete lines 1 to 17

Page 2, after line 17, insert:

"Sec. 2. Minnesota Statutes 1980, Section 362.40, Subdivision 9, is amended to read:"

Page 2, line 18, reinstate the stricken "A reservation resident" and delete "*An Indian*"

Page 3, line 12, after the stricken "such" insert "*the*" and reinstate the stricken "reservation residents" and delete "*the Indian*"

Page 3, line 13, delete "*economic development*"

Page 3, after line 20, insert:

"Sec. 3. Minnesota Statutes 1980, Section 362.40, Subdivision 10, is amended to read:"

Page 3, lines 21 to 36, reinstate the stricken language

Page 3, line 29, after the period insert "*The department shall consult and seek advice from representatives of nonreservation residents and nonreservation organizations.*"

Page 4, lines 1 to 10, reinstate the stricken language

Page 4, delete lines 11 to 32

Page 4, after line 32, insert:

"Sec. 4. Minnesota Statutes 1980, Section 362.40, is amended by adding a subdivision to read:"

Amend the title as follows:

Page 1, line 4, before the period insert ", Subdivisions 2, 9 and 10, and by adding a subdivision"

The motion prevailed. So the amendment was adopted.

S. F. No. 225, which the committee recommends to pass with the following

amendment offered by Mr. Taylor:

Page 1, line 13, delete "*special*" and insert " *uniforms or specially designed*"

Page 1, line 17, after "*trade*" insert ", *a motor vehicle or any other equipment which may be used outside of the employment* "

Page 1, after line 21, insert:

"Sec. 2. Minnesota Statutes 1980, Section 177.24, is amended by adding a subdivision to read:

Subd. 5. An employer shall make full payment to an employee when he terminates employment if the employee was required to purchase items listed in subdivision 4 and may at the termination of employment request the return of items from an employee for which the employee was compensated by the employer pursuant to this subdivision."

Amend the title as follows:

Page 1, line 4, delete "a subdivision" and insert "subdivisions"

Mr. Sieloff requested division of the amendment as follows:

First portion:

Page 1, line 13, delete "*special*" and insert " *uniforms or specially designed*"

Page 1, line 17, after "*trade*" insert ", *a motor vehicle or any other equipment which may be used outside of the employment* "

Second portion:

Page 1, after line 21, insert:

"Sec. 2. Minnesota Statutes 1980, Section 177.24, is amended by adding a subdivision to read:

Subd. 5. An employer shall make full payment to an employee when he terminates employment if the employee was required to purchase items listed in subdivision 4 and may at the termination of employment request the return of items from an employee for which the employee was compensated by the employer pursuant to this subdivision."

Amend the title as follows:

Page 1, line 4, delete "a subdivision" and insert "subdivisions"

The question was taken on the adoption of the first portion of the amendment. The motion prevailed. So the first portion of the amendment was adopted.

The question was taken on the adoption of the second portion of the amendment.

The roll was called, and there were yeas 44 and nays 9, as follows:

Those who voted in the affirmative were:

Benson	Davies	Humphrey	Kronebusch	Luther
Berglin	Davis	Johnson	Langseth	Merriam
Bernhagen	Dicklich	Knoll	Lantry	Moe, D.M.
Chmielewski	Dieterich	Knutson	Lessard	Nelson
Dahl	Hanson	Kroening	Lindgren	Olhoft

Pehler	Peterson, R.W.	Schmitz	Stern	Vega
Penny	Petty	Setzepfandt	Stokowski	Waldorf
Peterson, C.C.	Purfeerst	Sikorski	Taylor	Wegener
Peterson, D.L.	Ramstad	Spear	Tennessen	

Those who voted in the negative were:

Belanger	Bertram	Frederickson	Rued	Ulland
Berg	Engler	Renneke	Sieloff	

The motion prevailed. So the second portion of the amendment was adopted.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Belanger, Bang, Purfeerst, Schmitz and Lessard introduced—

S.F. No. 833: A bill for an act relating to motor vehicles; adjusting bond provisions for dealers; requiring bonds for motorized bicycle dealers; amending Minnesota Statutes 1980, Section 168.27, Subdivision 24.

Referred to the Committee on Commerce.

Messrs. Sikorski; Schmitz; Willet; Moe, R.D. and Mrs. Lantry introduced—

S.F. No. 834: A bill for an act relating to health; changing eligibility requirements for catastrophic health expense protection; including insurance premiums; appropriating money; amending Minnesota Statutes 1980, Sections 62E.52, Subdivision 2; 62E.53, Subdivisions 1 and 2; and 62E.531, Subdivision 2.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Belanger, Schmitz, Engler, Purfeerst and Setzepfandt introduced—

S.F. No. 835: A bill for an act relating to transportation; classifying the engineers' estimates for all state transportation construction projects as nonpublic data; adding a new route to the trunk highway system in substitution of an existing route; authorizing the commissioner of transportation to convey or otherwise dispose of certain lands no longer needed for trunk highway purposes; authorizing the temporary transfer of money from certain public funds under certain conditions to certain agency accounts and providing for repayment; increasing the dollar limits for certain contracts and agreements negotiated by the commissioner; defining motor carrier and exempt carrier; transferring the licensing and regulatory provisions for building movers to the transportation regulation board; increasing the dollar limit for development of landing strips; providing fees for hot air balloons and certain non-resident aircraft; amending Minnesota Statutes 1980, Sections 161.16, Subdivision 4; 161.32, Subdivision 2; 161.36, Subdivision 5; 161.46, Subdivision 3; 221.011, Subdivisions 15 and 22; 221.031, Subdivision 2; 221.261; 221.81; 360.305, Subdivision 4; and 360.55, by adding subdivisions; proposing new

law coded in Minnesota Statutes, Chapters 15 and 161.

Referred to the Committee on Transportation.

Mr. Engler introduced—

S.F. No. 836: A bill for an act relating to education; tax levies; authorizing Independent School District No. 256 to adjust its 1981 levy for school maintenance purposes.

Referred to the Committee on Education.

Mr. Chmielewski introduced—

S.F. No. 837: A bill for an act relating to taxation; income; excluding the first $1,000 in interest on certain savings; amending Minnesota Statutes 1980, Section 290.01, Subdivision 20.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Wegener; Peterson, R.W.; Stern; Dahl and Ramstad introduced—

S.F. No. 838: A bill for an act relating to crimes; increasing the maximum fine for petty misdemeanors, misdemeanors, gross misdemeanors and felonies; amending Minnesota Statutes 1980, Sections 169.89, Subdivision 2; 412.231; 609.02, Subdivisions 3 and 4a; 609.03; 609.031; and 609.032.

Referred to the Committee on Judiciary.

Mr. Kroening introduced—

S.F. No. 839: A bill for an act relating to cable communications; requiring that franchised cable communications systems bury all lines underground; proposing new law coded in Minnesota Statutes, Chapter 238.

Referred to the Committee on Commerce.

Mr. Sikorski introduced—

S.F. No. 840: A bill for an act relating to transportation; authorizing the purchase of the closed combination railroad and highway bridge connecting St. Paul Park in Washington County and Inver Grove Heights in Dakota County, and authorizing its operation as a toll bridge by a private business entity; providing for the regulation of the operation and maintenance of the bridge and the establishment of maximum toll charges by the counties of Washington and Dakota.

Referred to the Committee on Transportation.

Ms. Berglin introduced—

S.F. No. 841: A bill for an act relating to public welfare; providing for the withholding of child support or maintenance; amending Minnesota Statutes 1980, Sections 256.872; 256.873; and 518.611.

Referred to the Committee on Judiciary.

Mr. Sikorski introduced—

S.F. No. 842: A bill for an act relating to energy; authorizing a temporary

state set-aside program to ease shortages of gasoline and petroleum distillates administered by the Minnesota energy agency; appropriating funds.

Referred to the Committee on Energy and Housing.

Mr. Merriam introduced—

S.F. No. 843: A bill for an act relating to drivers licenses; providing for the filing of photographic negatives; restricting the use of the negatives; amending Minnesota Statutes 1980, Section 171.07, by adding a subdivision.

Referred to the Committee on Judiciary.

Mr. Merriam introduced—

S.F. No. 844: A bill for an act relating to education; transferring certain powers and duties under the maximum effort school aid law from the equalization aid review committee to the commissioner of education; amending Minnesota Statutes 1980, Sections 124.39, Subdivision 5; 124.40, Subdivision 2; 124.41; 124.42, Subdivisions 1 and 2; 124.43, Subdivisions 1, 2, 3, 4, and 5; 124.474; and 124.476.

Referred to the Committee on Education.

Messrs. Olhoft, Keefe, Pehler, Belanger and Wegener introduced—

S.F. No. 845: A bill for an act relating to education; requiring the school district of residence to provide additional transportation to certain nonpublic school pupils; amending Minnesota Statutes 1980, Sections 120.17, Subdivision 9; 123.76; 123.78; and 123.79.

Referred to the Committee on Education.

Messrs. Tennessen, Bang and Stern introduced—

S.F. No. 846: A bill for an act relating to financial institutions; increasing the percentage of capital and surplus a bank or trust company may invest in the stock of certain banks or bank holding companies; amending Minnesota Statutes 1980, Section 48.61, Subdivision 3.

Referred to the Committee on Commerce.

Messrs. Stumpf and Nelson introduced—

S.F. No. 847: A bill for an act relating to elections; changing certain definitions, providing for extended time limits, and clarifying certain provisions of the ethics in government law; amending Minnesota Statutes 1980, Sections 10A.01, Subdivisions 7 and 10; 10A.15, Subdivision 3; 10A.27, Subdivision 8; and 10A.28, Subdivision 2.

Referred to the Committee on Elections and Reapportionment.

Mr. Stumpf introduced—

S.F. No. 848: A bill for an act relating to retirement; St. Paul firefighters

relief association; specifying the investment authority of the relief association; amending Laws 1955, Chapter 375, Section 12, as amended.

Referred to the Committee on Public Employees and Pensions.

Messrs. Stumpf, Hughes, Merriam, Mrs. Stokowski and Mr. Ramstad introduced—

S.F. No. 849: A bill for an act relating to education; adding a representative from the Minnesota association of private post-secondary schools to the higher education advisory council; amending Minnesota Statutes 1980, Section 136A.02, Subdivision 6.

Referred to the Committee on Education.

Mr. Olhoft, Mmes. Stokowski, Lantry, Kronebusch and Mr. Waldorf introduced—

S.F. No. 850: A bill for an act relating to obscenity; prohibiting the promotion and dissemination of obscene materials; providing penalties; amending Minnesota Statutes 1980, Sections 617.26; 617.27; 617.291, Subdivision 2; 617.292, Subdivisions 4, 6, 7 and 8; proposing new law coded in Minnesota Statutes, Chapter 609; repealing Minnesota Statutes 1980, Section 617.241.

Referred to the Committee on Judiciary.

Messrs. Bertram, Taylor, Rued and Davis introduced—

S.F. No. 851: A bill for an act relating to waters; changing the terminology for public waters and wetlands to protected waters and wetlands; amending Minnesota Statutes 1980, Sections 105.37, Subdivisions 14, 15, and 16; 105.38; 105.39, Subdivision 3; and 105.391, Subdivisions 1, 3, 10, and 12.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Spear, Ms. Berglin and Mr. Moe, D.M. introduced—

S.F. No. 852: A bill for an act relating to human rights; prohibiting unfair discriminatory practices on the basis of affectional or sexual orientation; amending Minnesota Statutes 1980, Sections 363.01, Subdivision 24, and by adding a subdivision; 363.02, Subdivision 2; 363.03, Subdivisions 1, 2, 3, 4, 5, 7, and 8; 363.05, Subdivision 1; 363.11; 363.115; and 363.12, Subdivision 1.

Referred to the Committee on Judiciary.

Messrs. Renneke; Peterson, C.C.; Moe, D.M. and Spear introduced—

S.F. No. 853: A bill for an act relating to retirement; providing for periodic increases in the amount of employer contributions to the teachers retirement association and to the teachers retirement fund associations in cities of the first class; amending Minnesota Statutes 1980, Sections 354.42, Subdivision 5; and 354A.12, Subdivision 2.

Referred to the Committee on Public Employees and Pensions.

Messrs. Stern, Vega, Purfeerst, Frederick and Lessard introduced—

S.F. No. 854: A bill for an act relating to motor vehicles; defining motorized

bicycles; regulating the operation thereof; providing for the licensure of operators; amending Minnesota Statutes 1980, Sections 168.011, Subdivision 27; 169.01, Subdivision 4a; 169.223; 171.01, Subdivision 20; and 171.02, Subdivision 3.

Referred to the Committee on Transportation.

Messrs. Menning and Penny introduced—

S.F. No. 855: A bill for an act relating to claims against the state; appropriating money for the payment thereof.

Referred to the Committee on Finance.

Mr. Wegener introduced—

S.F. No. 856: A bill for an act relating to retirement; Minnesota state retirement system; authorizing the purchase of service credit for prior military and other service in certain instances.

Referred to the Committee on Public Employees and Pensions.

Messrs. Knoll, Pehler, Davis and Wegener introduced—

S.F. No. 857: A bill for an act relating to metropolitan government; authorizing the metropolitan council to prepare guidelines relating to the amendment of comprehensive plans; amending Minnesota Statutes 1980, Section 473.864, Subdivision 2.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Davis, Kroening and Rued introduced—

S.F. No. 858: A bill for an act relating to pensions; increasing the earnings thresholds for eligibility for public employees retirement association membership; amending Minnesota Statutes 1980, Section 353.01, Subdivision 2b.

Referred to the Committee on Public Employees and Pensions.

Messrs. Davis, Kroening and Bertram introduced—

S.F. No. 859: A bill for an act relating to energy; requiring the provision of fuel payment locations; proposing new law coded in Minnesota Statutes, Chapter 116H.

Referred to the Committee on Energy and Housing.

Mrs. Lantry, Messrs. Wegener, Stern, Knoll and Pillsbury introduced—

S.F. No. 860: A bill for an act relating to municipal land use planning; permitting municipal fees for administrative actions relating to official controls; amending Minnesota Statutes 1980, Section 462.353, by adding a subdivision; repealing Minnesota Statutes 1980, Section 462.358, Subdivision 4.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Hughes, Stumpf, Humphrey, Mrs. Stokowski and Mr. Rued introduced—

S.F. No. 861: A bill for an act relating to education; authorizing school

boards to permit certain persons to enroll in classes and programs at a secondary school; providing for class fees in certain circumstances; prohibiting districts from counting certain persons enrolled in classes and programs for the purposes of state aid; authorizing districts to provide transportation; increasing the administration fee when senior citizens attend classes at higher education institutions; amending Minnesota Statutes 1980, Sections 123.35, by adding subdivisions; 123.39, by adding a subdivision; and 136A.81, Subdivision 1.

Referred to the Committee on Education.

Mr. Penny introduced—

S.F. No. 862: A bill for an act proposing an amendment to the Minnesota Constitution, Article XI, Section 5; providing for the improvement and rehabilitation of certain railroad facilities.

Referred to the Committee on Transportation.

Messrs. Chmielewski; Peterson, C.C.; Penny and Rued introduced—

S.F. No. 863: A bill for an act relating to natural resources; authorizing the soil and water conservation board to purchase certain insurance; appropriating money; amending Minnesota Statutes 1980, Section 40.03, Subdivision 4.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Dicklich, Johnson and Pehler introduced—

S.F. No. 864: A bill for an act relating to education; authorizing aid for certain school districts to reimburse expenses related to the East Range Vocational Cooperative Center; appropriating money.

Referred to the Committee on Education.

Mr. Dicklich introduced—

S.F. No. 865: A bill for an act relating to the city of Buhl; survivor benefits payable by the police relief association.

Referred to the Committee on Public Employees and Pensions.

Mr. Nichols introduced—

S.F. No. 866: A bill for an act relating to eminent domain; providing for certain procedures relating to condemnation actions and other acquisition of property; establishing rates of interest for certain payments related to acquisition of property; amending Minnesota Statutes 1980, Sections 117.041; 117.042; 117.055; 117.075; 117.085; 117.125; 117.155; 117.175, Subdivision 1; 117.195; 117.231; 117.232; 117.51; 117.52; and proposing new law coded in Minnesota Statutes, Chapter 117.

Referred to the Committee on Judiciary.

Mr. Knoll, Mrs. Stokowski, Messrs. Lindgren, Hughes and Humphrey introduced—

S.F. No. 867: A bill for an act relating to education; broadening and ex-

tending the teacher early retirement incentive program; amending Minnesota Statutes 1980, Section 125.611, Subdivisions 1, 8 and 9.

Referred to the Committee on Education.

Messrs. Dicklich, Johnson, Lessard and Rued introduced—

S.F. No. 868: A bill for an act relating to taxation; providing that the proceeds of the taconite production tax distributed to certain school districts be adjusted by the steel mill products index; amending Minnesota Statutes 1980, Section 298.28, Subdivision 1.

Referred to the Committee on Education.

Messrs. Merriam, Luther, Setzepfandt, Davis and Renneke introduced—

S.F. No. 869: A bill for an act relating to the environmental quality board; requiring notice of intent for construction of large electric power facilities outside of state to supply Minnesota; empowering the board to require notice of intent for large electric power facilities to be constructed within the state; clarifying considerations to be made in adopting site and route criteria and standards; providing support to units of local government in siting and routing of small electric power facilities; authorizing the environmental quality board to consider upgrading of existing facilities; exempting small utilities from payment of general fees; creating limitations on judicial review of certain decisions; providing notice for entry onto land; authorizing temporary emergency suspension of construction; providing for enforcement of certificates and permits; requiring the promulgation of emergency rules; amending Minnesota Statutes 1980, Sections 116C.52, by adding subdivisions; 116C.53, by adding a subdivision; 116C.55, Subdivision 2; 116C.57, Subdivisions 1, 2, 4, and by adding a subdivision; 116C.63, by adding subdivisions; 116C.645; 116C.65; 116C.68; and 116C.69, Subdivision 3; proposing new law coded in Minnesota Statutes, Chapter 116C.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Dicklich and Johnson introduced—

S.F. No. 870: A bill for an act relating to transportation; declassifying the position of district engineer; providing that district engineers shall serve at the pleasure of the commissioner of transportation; establish employment rights of incumbent district engineers not appointed to the unclassified position of district engineer; amending Minnesota Statutes 1980, Section 174.02, Subdivision 2.

Referred to the Committee on Transportation.

Mr. Humphrey introduced—

S.F. No. 871: A bill for an act relating to children; specifying rights of stepparents to visit certain children; proposing new law coded in Minnesota Statutes, Chapter 257.

Referred to the Committee on Judiciary.

Mr. Spear and Ms. Berglin introduced—

S.F. No. 872: A bill for an act relating to health; requiring physicians to give certain advice to their pregnant patients who are 40 years old or older; proposing new law coded in Minnesota Statutes, Chapter 145.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Humphrey introduced—

S.F. No. 873: A bill for an act relating to energy; modifying certain need certification criteria; amending Minnesota Statutes 1980, Section 116H.13, by adding a subdivision.

Referred to the Committee on Energy and Housing.

Mr. Humphrey and Ms. Berglin introduced—

S.F. No. 874: A bill for an act relating to energy; requiring the provision of energy audits for multi-family rental housing; expanding certain utility investment programs; amending Minnesota Statutes 1980, Sections 216B.165, Subdivision 2, and by adding a subdivision; and 216B.241, by adding a subdivision.

Referred to the Committee on Energy and Housing.

Mrs. Kronebusch and Mr. Engler introduced—

S.F. No. 875: A bill for an act relating to commerce; providing for an alternative method of meeting the organizational membership requirement for the conducting of bingo occasions by organizations; amending Minnesota Statutes 1980, Section 349.14.

Referred to the Committee on Commerce.

Mr. Spear, Ms. Berglin, Messrs. Ashbach and Nelson introduced—

S.F. No. 876: A bill for an act relating to state government; improving the state's personnel management and labor relations functions; proposing new law coded as Minnesota Statutes, Chapter 43A; repealing Minnesota Statutes, Chapter 43.

Referred to the Committee on Public Employees and Pensions.

Messrs. Solon, Stern, Bang, Keefe and Schmitz introduced—

S.F. No. 877: A bill for an act relating to financial institutions; increasing the maximum lawful interest rate chargeable by state banks and savings banks on certain transactions; amending Minnesota Statutes 1980, Section 48.195.

Referred to the Committee on Commerce.

Messrs. Merriam and Nichols introduced—

S.F. No. 878: A bill for an act relating to workers' compensation; permitting

a single employee to constitute a payroll classification; reenacting Laws 1980, Chapter 556, Section 6; amending Minnesota Statutes 1980, Section 79.211, Subdivision 2.

Referred to the Committee on Employment.

Messrs. Merriam and Pehler introduced—

S.F. No. 879: A bill for an act relating to education; eliminating the aid for the costs of necessary equipment for certain secondary vocational education programs; authorizing an aid for necessary equipment costs in certain programs; requiring secondary vocational trade and industrial arts courses to be held for a specified amount of time to receive funding; restricting the aids to certain vocational programs which replace nonvocational programs; requiring a report; imposing certain duties on the commissioner of education; amending Minnesota Statutes 1980, Section 124.573, Subdivisions 2 and 3, and by adding a subdivision.

Referred to the Committee on Education.

Messrs. Knutson and Ramstad introduced—

S.F. No. 880: A bill for an act relating to courts; establishing judicial nominating commissions in each judicial district in the state; providing for membership and terms of office of commissions; providing a nomination procedure for selection of qualified persons to fill judicial vacancies; appropriating money; proposing new law coded as Minnesota Statutes, Chapter 494.

Referred to the Committee on Judiciary.

Messrs. Ashbach, Renneke, Frederickson and Peterson, C.C. introduced—

S.F. No. 881: A bill for an act relating to retirement; authorizing special coverage for members of the Minnesota state retirement system prohibited from performing specified duties after age 60; proposing new law coded in Minnesota Statutes, Chapter 352.

Referred to the Committee on Public Employees and Pensions.

Messrs. Humphrey and Olhoft introduced—

S.F. No. 882: A bill for an act relating to public utilities; factors in computing rate of return; amending Minnesota Statutes 1980, Section 216B.16, by adding a subdivision.

Referred to the Committee on Commerce.

Mr. Davies introduced—

S.F. No. 883: A bill for an act relating to commerce; prohibiting a certain class of lenders from enforcing loans secured by real estate; proposing new law coded in Minnesota Statutes, Chapter 53.

Referred to the Committee on Commerce.

Messrs. Stern and Penny introduced—

S.F. No. 884: A bill for an act relating to taxation; providing for imposition

of a sales tax in Hennepin County and use of the proceeds of the tax to finance a light rail transit system; requiring a reverse referendum; authorizing expansion of the system into other counties and imposition of the tax therein.

Referred to the Committee on Transportation.

Mr. Stern introduced—

S.F. No. 885: A bill for an act relating to regional railroad authorities; providing that cities of the first class may join in the organization of a regional railroad authority in conjunction with one or more counties; amending Minnesota Statutes 1980, Sections 398A.02; 398A.03; 398A.04, Subdivisions 8 and 9; and 398A.06, Subdivision 1.

Referred to the Committee on Transportation.

Mr. Stern introduced—

S.F. No. 886: A bill for an act relating to health; prohibiting disciplinary action against a physician who administers dimethyl sulfoxide under certain conditions; proposing new law coded in Minnesota Statutes, Chapter 147.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Kroening, Knoll, Humphrey, Willet and Dicklich introduced—

S.F. No. 887: A bill for an act relating to the housing finance agency; authorizing temporary rulemaking to define certain terms; providing for a revolving account; permitting certain loans; appropriating money; amending Minnesota Statutes 1980, Sections 462A.03, Subdivision 10; 462A.04, Subdivision 8; 462A.05, Subdivision 17, and by adding subdivisions; 462A.20, Subdivision 3; 462A.21, Subdivision 8, and by adding a subdivision; and 462A.22, Subdivision 9; repealing Minnesota Statutes 1980, Section 462A.21, Subdivision 11.

Referred to the Committee on Energy and Housing.

Mr. Pehler introduced—

S.F. No. 888: A bill for an act relating to education; authorizing aid for driver education courses offered by school districts; appropriating money; amending Minnesota Statutes 1980, Section 124.212, by adding a subdivision.

Referred to the Committee on Education.

Messrs. Rued, Belanger, Frederickson and Peterson, D.L. introduced—

S.F. No. 889: A bill for an act relating to state government; abolishing the center for study of Minnesota folklife; abolishing the position of state folklorist; amending Minnesota Statutes 1980, Sections 138.81; 138.82; and 138.83; repealing Minnesota Statutes 1980, Sections 138.84; 138.85; 138.86; and 138.87.

Referred to the Committee on Governmental Operations.

Messrs. Bernhagen; Rued; Ulland; Peterson, D.L. and Engler introduced—

S.F. No. 890: A bill for an act relating to wild animals; increasing the amount of the reward which may be paid for information relating to game law violations; amending Minnesota Statutes 1980, Section 97.51.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Engler introduced—

S.F. No. 891: A bill for an act relating to financial institutions; detached banking facilities; expanding the definition of municipality to include townships with a bank; amending Minnesota Statutes 1980, Section 47.51.

Referred to the Committee on Commerce.

Mr. Luther introduced—

S.F. No. 892: A bill for an act relating to courts; county and county municipal courts; changing the name of the municipal courts of Hennepin and Ramsey counties to Hennepin and Ramsey county court; raising the jurisdictional limit on civil actions; providing for gross misdemeanor jurisdiction; requiring municipal prosecution of gross misdemeanors; raising the jurisdictional level in conciliation court; providing costs and disbursements to the prevailing party in a conciliation court cause removed to county or county municipal court; requiring notification of the opposing party before removal from conciliation court to county or county municipal court; amending Minnesota Statutes 1980, Sections 487.15; 487.16; 487.18; 487.25, Subdivision 10; 487.30, Subdivision 1, and by adding subdivisions; 488A.01, Subdivisions 1, 4 and 6; 488A.10, Subdivision 11; 488A.12, Subdivision 3; 488A.17, Subdivisions 2 and 10; 488A.18, Subdivisions 1, 4, 7 and 13; 488A.27, Subdivision 11; 488A.29, Subdivision 3; 488A.34, Subdivisions 2 and 9; proposing new law coded in Minnesota Statutes, Chapters 487 and 488A.

Referred to the Committee on Judiciary.

Messrs. Stern, Schmitz, Bang, Nichols and Ashbach introduced—

S.F. No. 893: A bill for an act relating to commerce; increasing the maximum finance charge on open end credit sales; broadening the application of this provision; removing the requirements relating to the computation of the average daily balance; amending Minnesota Statutes 1980, Section 334.16, Subdivision 1; repealing Minnesota Statutes 1980, Section 334.16, Subdivision 3.

Referred to the Committee on Commerce.

Messrs. Peterson, C.C.; Nichols; Setzepfandt; Pehler and Berg introduced—

S.F. No. 894: A bill for an act relating to taxation; sales and use; providing a deduction to retailers for collection and reporting costs; amending Minnesota Statutes 1980, Section 297A.26, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Humphrey, Waldorf and Peterson, R.W. introduced—

S.F. No. 895: A bill for an act relating to energy; amending certain provi-

sions for home energy disclosure reports; amending Minnesota Statutes 1980, Section 116H.129, Subdivisions 1, 2, 5, 6, and 7.

Referred to the Committee on Energy and Housing.

Messrs. Humphrey; Peterson, C.C.; Pehler and Dahl introduced—

S.F. No. 896: A bill for an act relating to crimes; establishing minimum terms of imprisonment for use of a dangerous weapon or possession of a firearm; amending Minnesota Statutes 1980, Sections 609.11, Subdivision 1, and by adding subdivisions; and 609.135, Subdivision 1; repealing Minnesota Statutes 1980, Section 609.11, Subdivision 3.

Referred to the Committee on Judiciary.

Messrs. Petty, Ashbach, Stern and Davies introduced—

S.F. No. 897: A bill for an act relating to insurance; regulating interest rates on life insurance policy loans; establishing written pricing and dividend policies in certain circumstances; prescribing penalties; amending Minnesota Statutes 1980, Section 61A.03; proposing new law coded in Minnesota Statutes, Chapter 72A.

Referred to the Committee on Commerce.

Messrs. Johnson, Petty and Davis introduced—

S.F. No. 898: A bill for an act relating to state parks; waiving admission and certain other fees for certain motor vehicles and the permanently and totally disabled; amending Minnesota Statutes 1980, Section 85.05, Subdivisions 1 and 2.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Purfeerst; Mrs. Stokowski; Messrs. Moe, R.D. and Bernhagen introduced—

S.F. No. 899: A bill for an act relating to commerce; transferring the powers, duties, staff, and unexpended funds of the board of cosmetology examiners to the office of consumer services; establishing an advisory commission; authorizing licensing by occupation and operations; providing for enforcement; providing a complaint handling procedure; prescribing penalties; providing remedies; proposing new law coded as Minnesota Statutes, Chapter 155A; repealing Minnesota Statutes 1980, Sections 155.01 to 155.21.

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

Messrs. Dieterich; Pehler; Moe, D.M. and Frank introduced—

S.F. No. 900: A bill for an act relating to public safety; regulating amusement rides; requiring state safety inspections of amusement rides; requiring liability insurance covering amusement rides; providing penalties; appropriating money; proposing new law coded as Minnesota Statutes, Chapter 182A.

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

Messrs. Petty, Wegener and Benson introduced—

S.F. No. 901: A bill for an act relating to commerce; modifying the initial and continuing education requirements for real estate salespersons; clarifying the commissioner's authority to prescribe curriculum requirements and standards for instructors; amending Minnesota Statutes 1980, Section 82.22, Subdivisions 6, 8, and 10; repealing Minnesota Statutes 1980, Section 82.22, Subdivisions 7, 9, and 13.

Referred to the Committee on Commerce.

Messrs. Setzepfandt, Dicklich, Berg and Solon introduced—

S.F. No. 902: A bill for an act relating to health; prohibiting the possession of skunks; setting a penalty; proposing new law coded in Minnesota Statutes, Chapter 145.

Referred to the Committee on Health, Welfare and Corrections.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Mr. Peterson, C.C. moved that the name of Mr. Pehler be added as co-author to S. F. No. 620. The motion prevailed.

Mr. Hanson moved that the Senate do now adjourn until 11:00 a.m., Monday, March 23, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TWENTY-FIFTH DAY

St. Paul, Minnesota, Monday, March 23, 1981

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

Prayer was offered by the Chaplain, Rev. Daniel L. Johns.

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

Ashbach	Dicklich	Kroening	Pehler	Solon
Bang	Dieterich	Kronebusch	Penny	Spear
Belanger	Engler	Langseth	Peterson, D.L.	Stern
Benson	Frank	Lantry	Peterson, R.W.	Stokowski
Berglin	Frederick	Lessard	Petty	Stumpf
Bernhagen	Frederickson	Lindgren	Pillsbury	Taylor
Bertram	Hanson	Luther	Ramstad	Tennessen
Brataas	Hughes	Merriam	Renneke	Ulland
Chmielewski	Johnson	Moe, D.M.	Rued	Vega
Dahl	Keefe	Moe, R.D.	Schmitz	Waldorf
Davies	Knoll	Nelson	Setzepfandt	Wegener
Davis	Knutson	Nichols	Sikorski	Willet

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Berg; Humphrey; Menning; Olhoft; Peterson, C.C.; Purfeerst and Sieloff were excused from the Session of today. Mr. Sikorski was excused from the Session of today from 11:00 to 11:20 a.m.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

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

April 23, 1979

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointments to the Environmental Education Board are hereby respectfully submitted to the Senate for confirmation as required by law:

Rita A. Lafferty, 4045 Hodgson Road, Shoreview, Ramsey County, has

been appointed by me, effective April 23, 1979, for a term expiring the first Monday in January, 1983.

Roger O. Norman, 303 South Highland, New Ulm, Brown County, has been appointed by me, effective April 23, 1979, for a term expiring the first Monday in January, 1983.

Dr. Paul O. Walker, 2426 Galtier, Roseville, Ramsey County, has been appointed by me, effective April 23, 1979, for a term expiring the first Monday in January, 1983.

Julia W. Copeland, 135 Melbourne Avenue SE, Minneapolis, Hennepin County, has been appointed by me, effective April 23, 1979, for a term expiring the first Monday in January, 1983.

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

February 24, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

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

Cynthia C. Jepsen, Box 254, Marine on St. Croix, Washington County, has been appointed by me, effective February 24, 1981, for a term expiring the first Monday in January, 1985.

Lois West, RR 1, Box 155, Clarks Grove, Freeborn County, has been appointed by me, effective February 24, 1981, for a term expiring the first Monday in January, 1985.

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

Sincerely yours,

Albert H. Quie, Governor

March 17, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

On March 17, 1981, the Subcommittee on Committees met and by appropriate action made the following appointments:

Pursuant to Minnesota Statutes 1980

Sec. 1.21-1.22 Great Lakes Commission

Messrs. Ulland and Waldorf

Sec. 1.34 Minnesota-Wisconsin Boundary Area Legislative Advisory Committee

Messrs. Engler; Peterson, R.W.; Sikorski; Stern and Vega

Sec. 3.29 Senate Committee on Interstate Cooperation

Messrs. Davies, Bang, Knutson, Langseth and Setzepfandt

Sec. 3.922 Indian Affairs Intertribal Board

Messrs. Rued, Chmielewski and Nichols

Sec. 16.872 State Ceremonial Building Council

Mr. Stumpf

Sec. 84B.11 Citizen's Committee on Voyageurs National Park

Messrs. Lindgren and Kroening

Sec. 161.1419 Mississippi River Parkway Commission

Messrs. Bernhagen, Nelson and Pehler

Pursuant to Laws, 1980

Ch. 499 Commission on Historical Memorials

Mr. Stumpf

Respectfully,

Roger D. Moe, Chairman
Subcommittee on Committees

March 18, 1981

The Honorable Roger D. Moe
Chairman, Subcommittee on Committees

Dear Sir:

Laws 1980, Chapter 614, requires the President of the Senate to appoint a member of the Capitol Area Architectural and Planning Board.

Accordingly, I do hereby appoint the following:

Mr. Moe, D. M.

Yours truly,

Jack Davies
President of the Senate

March 20, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S. F. Nos. 92 and 144.

Sincerely yours,

Albert H. Quie, Governor

MESSAGES FROM THE HOUSE

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. 366: A bill for an act relating to taxation; providing a new schedule for payment of income taxes withheld from wages; giving temporary rulemaking authority; appropriating money; amending Minnesota Statutes 1980, Section 290.92, Subdivision 6.

Senate File No. 366 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 19, 1981

Mr. Moe, R.D. moved that the Senate do not concur in the amendments by the House to S. F. No. 366, and that a Conference Committee of 5 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. 2, 157 and 183.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 19, 1981

FIRST READING OF HOUSE BILLS

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

H. F. No. 2: A bill for an act relating to crimes; establishing mandatory minimum terms of imprisonment for use of a dangerous weapon or possession of a firearm; increasing the penalty for intentional and unintentional homicides committed while committing certain felonies; amending Minnesota Statutes 1980, Sections 609.11, Subdivision 1, and by adding subdivisions; 609.135, Subdivision 1; 609.185; 609.19; 609.195; 609.20; repealing Minnesota Statutes 1980, Section 609.11, Subdivision 3.

Referred to the Committee on Judiciary.

H. F. No. 157: A bill for an act relating to public welfare; providing that every birth to a minor shall be reported within three working days to the commissioner of public welfare; amending Minnesota Statutes 1980, Section 257.33.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 332, now on General Orders.

H. F. No. 183: A bill for an act relating to state employees; including the staff of the council on Black Minnesotans within the unclassified civil service; amending Minnesota Statutes 1980, Section 3.9225, Subdivision 5.

Referred to the Committee on Rules and Administration for comparison with

S. F. No. 139, 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 reports pertaining to appointments. The motion prevailed.

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

H. F. No. 13: A bill for an act relating to criminal procedure; providing officers of the United States customs service and the immigration and naturalization service with the arrest powers of peace officers; amending Minnesota Statutes 1980, Sections 629.30; and 629.34.

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

Page 1, line 20, strike "such" and insert "*the*"

Page 2, line 15, delete "*without a*" and insert "*who has received appropriate training in the laws of this state under the provisions of sections 626.84 to 626.855*"

Page 2, line 16, delete "*warrant*"

Page 2, line 16, after "*person*" insert "*without a warrant*"

Page 2, delete lines 20 and 21

Page 2, line 22, delete "*(ii)*" and insert "*(i)*"

Page 2, line 23, delete "*on*" and insert "*against the officer or*"

Page 2, line 24, delete "*, or commits any felony*"

Page 2, line 25, delete "*(iii)*" and insert "*(ii)*"

Page 2, line 28, delete "*(iv)*" and insert "*(iii)*"

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

Mr. Olhoft from the Committee on General Legislation and Administrative Rules, to which was referred

S. F. No. 439: A bill for an act relating to the department of public safety; changing the name of the highway patrol to the state patrol; amending Minnesota Statutes 1980, Section 299D.01, Subdivision 1.

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

Mr. Olhoft from the Committee on General Legislation and Administrative Rules, to which was referred

S. F. No. 522: A bill for an act relating to peace officers; prescribing colors for uniforms; amending Minnesota Statutes 1980, Section 626.88.

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

Page 2, after line 16, insert:

"The inclusion of unarmed watchmen in the term "security guard", provided by this act, shall be effective on January 1, 1983."

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

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

S. F. No. 660: A bill for an act relating to counties; providing correct references to certain civil service procedures; amending Minnesota Statutes 1980, Sections 375.58, Subdivision 3; and 375.62.

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

Page 2, line 13, delete "*mamagement's*" and insert "*management's*"

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

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

S. F. No. 645: A bill for an act relating to cemeteries; requiring public cemeteries having permanent care and improvement funds to file a notice and an annual report with the county auditor; amending Minnesota Statutes 1980, Section 306.761.

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

Page 2, line 15, strike "$5" and insert "*$10*"

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "increasing the filing fee for the report;"

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

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

S. F. No. 196: A bill for an act relating to Carver county; providing for payment of expenses of the county commissioners.

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

Mr. Knoll from the Committee on Governmental Operations, to which was referred

S. F. No. 462: A bill for an act relating to labor; providing for increases in fees for certain steamfitters; amending Minnesota Statutes 1980, Section 326.50.

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

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 1980, Section 326.48, Subdivision 1, is amended to read:

Subdivision 1. No person, firm, or corporation shall engage in or work at the business of a contracting steamfitter or journeyman steamfitter unless licensed to do so by the department of labor and industry. No license shall be required for minor repairs on existing installations, provided the repairs shall be made in compliance with the prescribed minimum standards of the department of labor and industry. A contracting steamfitter may also work as a journeyman steamfitter.

No person, firm, or corporation shall engage in the business of installing high pressure steam piping, nor install high pressure steam piping in connection with the dealing in and selling of high pressure steam material and supplies, unless, at all times, a licensed steamfitter, who shall be responsible for proper installation, is in charge of the high pressure steamfitting work of the person, firm, or corporation.

The department of labor and industry shall prescribe rules, not inconsistent herewith, for the examination and licensing of steamfitting.

An employee performing the duties of inspector for the department of labor and industry in regulating steamfitting shall not receive time credit for the inspection duties when making an application for a license required by this section."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "prohibiting certain time credit when applying for license;"

Page 1, line 4, delete "Section" and insert "Sections 326.48, Subdivision 1; and"

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

Mr. Knoll from the Committee on Governmental Operations, to which was referred

H. F. No. 480: A bill for an act relating to agriculture; changing the name of the joint legislative committee on agricultural land preservation; amending Laws 1979, Chapter 315, Sections 2 and 3.

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

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

S. F. No. 674: A resolution memorializing the President and Congress to seek a settlement of the White Earth Indian Reservation controversy.

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. 530: A bill for an act relating to game and fish; revising certain provisions concerning the transportation of pistols and revolvers; amending Minnesota Statutes 1980, Section 100.29, Subdivision 5.

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

Page 1, lines 14 and 15, delete the new language and insert "*carried in compliance with sections 624.714 and 624.715,*"

Page 1, line 26, after "unloaded" insert "*as provided in this subdivision*"

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. 350: A bill for an act relating to agriculture; limiting the applicability and changing the size of county extension committees; amending Minnesota Statutes 1980, Section 38.36.

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

Delete everything after the enacting clause and insert:

"Section 1. [ST. LOUIS COUNTY EXTENSION COMMITTEE.]

The extension committee appointed under Minnesota Statutes, Section 38.36, for St. Louis County shall consist of eleven members, of which eight shall be appointed at large by the St. Louis County board of commissioners.

Sec. 2. [APPLICATION; APPROVAL NOT REQUIRED.]

This act is effective in St. Louis County and, pursuant to Minnesota Statutes, Section 645.023, Subdivision 1, Clause (a), is effective without local approval."

Amend the title as follows:

Page 1, delete lines 2 to 4 and insert:

"relating to St. Louis County; authorizing an eleven member county extension committee."

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. 57: A bill for an act relating to real estate; directing a conveyance of the states right, title and interest in certain lands to Independent School District No. 417 of Tracy, Minnesota.

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

Page 1, line 9, delete "*The governor, upon recommendation of*"

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. 411: A bill for an act relating to game and fish; selection of deer licensees in certain restricted hunting areas; amending Minnesota Statutes 1980, Section 97.48, Subdivision 24.

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

Page 1, line 14, delete "*a license*" and insert "*an antlerless deer permit*"

Page 1, line 15, delete "*deer license*" and insert "*permit*"

Page 1, line 16, after the period, insert "*A person who is not a resident of the state is not eligible for an antlerless doe permit in zones one and two as established by the commissioner.*"

Amend the title as follows:

Page 1, line 2, delete "selection of deer licensees" and insert "limiting eligibility for antlerless deer permits"

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

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

S. F. No. 741: A bill for an act relating to the town of Woodville; permitting payment of the cemetery directors; amending Laws 1959, Chapter 149, Section 1.

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

Delete everything after the enacting clause and insert:

"Section 1. [COMPENSATION.]

The directors of Woodville cemetery in Waseca County may be compensated on an annual basis in an amount as may be determined by the board of supervisors of the town of Woodville.

Sec. 2. [REPEALER.]

Laws 1959, Chapter 149 is repealed.

Sec. 3. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Amend the title as follows:

Page 1, line 3, delete "amending" and insert "repealing"

Page 1, line 4, delete ", Section 1"

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

Mr. Solon from the Committee on Health, Welfare and Corrections, to

which was referred

S. F. No. 754: A bill for an act relating to public welfare; establishing a sliding fee schedule payment program for child care; appropriating money; amending Minnesota Statutes 1980, Section 245.84, Subdivision 2.

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

Page 1, line 19, delete "*availability of*" and insert "*procedures for applying for*"

Page 1, line 23, after "*allocate*" insert "*grants,*"

Page 1, line 24, delete "*grants*" and insert a comma

Page 1, line 25, delete everything after "*with*" and insert "*section 245.87*"

Page 2, line 1, delete "*256E.07*"

Page 3, line 25, delete "*3*" and insert "*4*"

Page 3, after line 25, insert:

"Sec. 3. [TEMPORARY RULES.]

The commissioner shall promulgate temporary rules in accordance with section 15.0412, subdivision 5, to implement sections 1 to 4."

Page 3, line 26, delete "3" and insert "4"

Page 3, line 27, delete "*3*" and insert "*4*"

Page 3, line 32, delete "*of May 1 is waived*" and insert "*is June 8*"

Page 3, line 34, delete "*3*" and insert "*4*"

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

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 506: A bill for an act relating to health; establishing a model rural program for community-based treatment of adolescents with serious chemical abuse problems; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 254A.

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

Page 2, delete section 2

Page 2, line 11, delete "*establish*" and insert "*nominate*"

Page 2, line 24, after the period, insert "*The commissioner shall appoint the committee.*"

Page 2, lines 28, 35, and 36, delete "*CEO*" and insert "*commissioner*"

Page 3, lines 13, 15, 18, and 19, delete "*CEO*" and insert "*commissioner*"

Page 3, delete lines 22 to 25 and insert:

"*(b) The advisory committee shall make a recommendation regarding the*

establishment and operation, by January 1, 1982, of an assessment unit for secondary school-aged youths within the service area designated by section 1, subdivision 5. The committee may recommend that the assessment unit be operated by either the CEO of the Brainerd state hospital or the contractor."

Page 3, line 27, before the colon, insert "*by February 1, 1982*"

Page 3, line 33, delete "*Brainerd state hospital's in-patient*" and insert "*the*"

Page 4, lines 6, 10, 14 in both places, and 18, delete "*CEO*" and insert "*commissioner*"

Page 4, line 19, delete "*not exceeding*" and insert a semicolon

Page 4, delete lines 20 and 21

Page 4, line 22, delete "*February 1, 1982, or*"

Page 4, line 23, delete "*thereafter*"

Page 4, line 34, delete "*chief executive officer*" and insert "*commissioner*"

Page 5, line 8, delete "*CEO*" and insert "*commissioner*"

Page 5, line 10, delete "*4*" and insert "*5*"

Page 5, line 13, delete "*legislature*" and insert "*commissioner*"

Page 5, line 20, delete "*5*" and insert "*4*"

Page 5, line 21, delete "*Brainerd state*"

Page 5, delete lines 22 to 29, and insert "*commissioner of public welfare $2,550,217 for the biennium ending June 30, 1983.*"

Page 5, line 31, after "*positions*" insert "*for technical assistance and evaluation,*" and delete everything after "*1981*" and insert a period

Page 5, delete lines 32 and 33 and insert "*If the commissioner decides that the CEO of Brainerd state hospital shall operate the assessment unit, 14 additional positions shall be added to the approved complement of the Brainerd state hospital beginning December 1, 1981, for the purposes of sections 1 to 4. If the CEO of Brainerd state hospital does not operate the assessment unit, the approved complement of Brainerd state hospital shall be increased by one additional position for contract management.*"

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

Page 6, after line 1, insert:

"Sec. 6. [EFFECTIVE DATE.]

Sections 1 to 5 are effective only after approval by the school board of each school district comprising the Paul Bunyan special education cooperative and the Mid-State special education cooperative and upon compliance with Minnesota Statutes, Section 645.021."

Renumber the sections in sequence

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

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 502: A bill for an act relating to public welfare; modifying certain provisions regarding continued eligibility for medical assistance; amending Minnesota Statutes 1980, Section 256B.062.

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

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 408: A bill for an act relating to public welfare; providing for a statewide program of subsidies for families of mentally retarded children; amending Minnesota Statutes 1980, Section 252.27, Subdivision 4.

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

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

S. F. No. 254: A bill for an act relating to natural resources; providing for the designation of endangered plant species; establishing a temporary technical advisory committee; amending Minnesota Statutes 1980, Section 97.488, Subdivisions 1, 2, 4, 5, and 7.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 97.488, is amended to read:

97.488 [PROTECTION OF THREATENED AND ENDANGERED SPECIES.]

Subdivision 1. [PROHIBITION.] Notwithstanding any other provision of law, the taking, import, transport, or sale of any endangered species of wild animal, ~~or hides~~ *plant* or ~~other~~ parts thereof, or the sale or possession with intent to sell any article made in whole or in part from the skin, hide, or ~~other~~ *any* parts of any endangered species of wild animal *or plant* is prohibited, except as provided in ~~subdivision~~ *subdivisions 1a and* 6.

Subd. 1a. [APPLICATION.] *The provisions of subdivision 1 do not apply to plants on land classified for property tax purposes as class 3b agricultural land pursuant to section 273.13, subdivision 6, or on ditches and roadways. The provisions of subdivision 1 do not apply to noxious weeds designated pursuant to sections 18.171 to 18.315 or to weeds otherwise designated as troublesome by the department of agriculture. When control of noxious weeds is necessary, it takes priority over the protection of endangered plant species, as long as reasonable effort is taken to preserve the endangered plant species first.*

The taking of an endangered plant species on land adjacent to class 3b agricultural land as a result of the application of pesticides or other agricultural chemical on the class 3b land shall not be a violation of subdivision 1, as long as reasonable care is taken in the pesticide or other chemical application to avoid impact on adjacent lands.

Subd. 2. [DESIGNATION.] The commissioner of natural resources ~~shall~~,

not later than January 1, 1984, by adoption of ~~a regulation to that effect pursuant to sections 15.0411 to 15.0422,~~ *rules pursuant to chapter 15, shall* designate any species of wild animal as ~~either~~:

(1) Endangered, upon a showing that such species is threatened with extinction throughout all or a significant portion of its range; or

(2) Threatened, upon a showing that such species is likely to become endangered within the foreseeable future throughout all or a significant portion of its range; *or*

(3) Species of special concern, upon a showing that while a species is not endangered or threatened, it is extremely uncommon in Minnesota, or has unique or highly specific habitat requirements and deserves careful monitoring of its status. Species on the periphery of their range which are not listed as threatened may be included in this category along with those species which were once threatened or endangered but now have increasing or protected, stable populations.

For purposes of this section, the range of the species in Minnesota shall be a factor in determining its status as endangered, threatened or of special concern. A designation by the secretary of the interior that a species is threatened or endangered shall be a prima facie showing for ~~this~~ *the* purpose *of this section.* ~~The commissioner shall withdraw designation in the same manner.~~ Until the commissioner adopts ~~such regulation~~ *rules* , those *animal* species designated as endangered by Section 4 (c) (3) of the Endangered Species Act of 1973 (PL 93-205) at the time of enactment thereof shall be considered endangered within the meaning of this section.

Not later than January 1, 1984, the commissioner shall propose any species of plant for designation under clauses (1) to (3) by submitting the proposed designations to the appropriate policy committees of the legislature. The designations are effective upon the passage of a legislative act authorizing the adoption of the designations, with any additions or deletions as set forth in the act, and upon the issuance of an order by the commissioner adopting the designations in accordance with the terms of the act.

The commissioner shall reevaluate the designated species list every three years after it is first adopted and make or propose appropriate changes. In particular, the review shall consider the need for further protection of species on the species of special concern list. Species may be withdrawn from designation in the same manner that species are designated pursuant to this subdivision.

Subd. 3. [STUDIES.] The commissioner of natural resources may conduct such investigations as he shall deem appropriate to determine the status and requirements for survival of any resident species of wild animal *or plant* .

Subd. 4. [MANAGEMENT.] Notwithstanding any other provision of law, whenever any resident species of wild animal *or plant* has been designated as threatened or endangered pursuant to this section, the commissioner of natural resources may undertake ~~such~~ management programs and in connection therewith *may* issue ~~such~~ orders , *related to wild animals,* and ~~promulgate such regulations~~ *adopt rules* as he deems necessary to bring the species to a point at which it is no longer threatened or endangered. Subject to the provisions of subdivision 6, management programs for endangered or threatened species

may include, but need not be limited to, methods and procedures such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, transplantation and regulated taking.

Subd. 5. [ENFORCEMENT.] Any peace officer or conservation officer, pursuant to chapter 626, may execute a warrant to search for and seize any goods, merchandise, ~~or wildlife~~ *plant or animal* taken, sold or offered for sale in violation of this section, or any thing used in connection with a violation of this section. Seized property shall be held pending judicial proceedings. Upon conviction, seized property is forfeit. Goods, merchandise, ~~or wildlife~~ *plants or animals* shall be offered to a scientific or educational institution or destroyed.

Subd. 6. [GENERAL EXCEPTIONS.] The commissioner may permit, on prescribed conditions, any act otherwise prohibited by subdivision 1 ~~for any of the following purposes~~ *if*:

(1) *The act is for the purpose of* zoological, educational or scientific study;

(2) ~~Enhancement of~~ *The act enhances* the propagation or survival of the affected species; ~~or~~

(3) ~~Prevention of~~ *The act prevents* injury to persons or property~~, provided that for the purpose of preventing such injury~~ *; or*

(4) The social and economic benefits of the act outweigh the harm caused by it.

No member of an endangered species may be destroyed *pursuant to clause (3) or (4)* until all alternatives, including but not limited to live trapping and transplantation, have been evaluated and rejected. ~~He~~ *The commissioner* may permit, on prescribed conditions, the propagation of a species or subspecies for its preservation. A member of a threatened or endangered species may be captured or destroyed without permit by any person when necessary in an emergency to avoid an immediate and demonstrable threat to human life or property.

Subd. 7. [APPLICATION.] This section shall not apply retroactively or so as to prohibit importation into this state and subsequent possession, transport and sale of wild animals or ~~hides or other~~, *wild plants or* parts thereof legally imported into the United States or legally acquired and exported from another territory, state, possession or political subdivision of the United States.

Sec. 2. [TECHNICAL COMMITTEE.]

The commissioner shall appoint a technical committee of not more than 30 persons with knowledge and experience in botany, zoology, and other relevant disciplines to recommend criteria for determining the special concern, endangered or threatened status of species and those species appropriate for designation. For purposes of these recommendations, the commissioner shall organize appropriate working subcommittees in various species areas. In addition, the committee shall generally advise the commissioner regarding administration of this section and shall review current programs of the department and recommend appropriate changes and new programs for restoration, recovery, habitat improvement and habitat protection for designated species. The committee shall be appointed not later than July 1, 1981, and shall recommend its list of species for designation to the commissioner not later than January 1,

1983, and shall make a written report to the commissioner and the legislature on program recommendations prior to January 1, 1984. Members of the committee shall serve without compensation but shall be reimbursed for expenses in the same manner and amount as state employees. The committee shall terminate upon the adoption of rules designating animal species and the proposal of designated plant species to the legislature under section 97.488, subdivision 2, but in no event later than January 1, 1984."

Amend the title as follows:

Page 1, line 5, delete ", Subdivisions" and insert a period

Page 1, delete line 6

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

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

S. F. No. 294: A bill for an act relating to employment; providing relief to employees who lose their jobs due to business closings, plant relocations, and reductions in operations; requiring advance notification to affected employees, employee organizations, municipalities, and the state of business closings, plant relocations, and reductions of operations; prescribing duties of certain departments, governmental bodies, and officers with respect to business closings, plant relocations, and reductions of operations; creating a community services council; providing for the creation of a community jobs assistance fund; providing penalties; proposing new law coded as Minnesota Statutes, Chapter 179A.

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

Delete everything after the enacting clause and insert:

"Section 1. [268A.01] [CITATION.]

This act shall be known and may be cited as the "Minnesota Community, Jobs and Business Preservation Act."

Sec. 2. [268A.02] [FINDINGS.]

The legislature of the state of Minnesota finds that problems related to the business climate and more specifically to plant closings, plant relocations and/or massive reductions in the number of employees at a plant facility often encompass the concerns and responsibilities of several state agencies as well as the local area affected. The legislature also finds that, in view of the often devastating impact of these problems on particular communities in terms of economic, social and personal dislocation, the interaction of various agencies and local communities is vital to a successful solution of the problems. Further, coordination of the cooperative efforts of governmental, business and labor groups is essential to reaching solutions which are timely, equitable and in the best interests of the citizens of the local communities and the state. In order to provide a sound coordination of these efforts and to encourage cooperation among all affected parties, the legislature finds that comprehensive planning and study requires the establishment of a state community, business and job preservation board.

Sec. 3. [268A.03] [DEFINITIONS.]

Subdivision 1. [GENERALLY.] *The words and phrases defined in this section have the meanings ascribed to them.*

Subd. 2. [AFFECTED EMPLOYEE.] *"Affected employee" means an employee whose employment is terminated or will be terminated as a result of a closing, a relocation, or a reduction in operations of an affected establishment.*

Subd. 3. [AFFECTED EMPLOYEE ORGANIZATION.] *"Affected employee organization" means a labor union, association, or other employee organization that represents employees of an affected establishment in collective bargaining.*

Subd. 4. [AFFECTED ESTABLISHMENT.] *"Affected establishment" means a facility that an employer has operated in the state for five or more years and at which employees whose employment will be terminated as part of a closing, relocation, or reduction in operations are employed. Only employers or parent companies operating other facilities or plants can have affected establishments. Affected establishment does not include a construction site or other work place that was never intended as other than a temporary work place.*

Subd. 5. [AFFECTED MUNICIPALITY.] *"Affected municipality" means each city, village, or township in which an affected establishment is located or in which at least 20 percent of the affected employees of an affected establishment reside.*

Subd. 6. [BOARD.] *"Board" means the Minnesota community, business and job preservation board created pursuant to section 4.*

Subd. 7. [CLOSING.] *"Closing" means the permanent shutting down of operations at a facility for any reason other than because the employer has filed for bankruptcy pursuant to sections 101 to 151326 of Public Law 95-598, 11 U.S.C. 101 to 151326.*

Subd. 8. [LOCAL ACTION COMMITTEE.] *"Committee" means a committee created pursuant to section 5, subdivision 8.*

Subd. 9. [COMMISSIONER.] *"Commissioner" means the commissioner of the department of economic security.*

Subd. 10. [EMPLOYER.] *"Employer" means a person, partnership, corporation, or other legal entity that has owned more than 50 percent of, or operated a facility within this state, either directly or through a related corporation, for five or more years and that has employed at least 100 persons at the same time during six or more months of the preceding year. Employer does not include this state, a political subdivision of this state, or an organization that is exempt from taxation under section 501 of the internal revenue code.*

Subd. 11. [OPERATING LOSS.] *"Operating loss" means the condition of an employer in which the employer experiences a net loss in aggregate operations over a period of one or more years. Operating loss does not include a net loss in aggregate operations if it results from the extraordinary allocation of costs or revenues between an employer and a related corporation.*

Subd. 12. [RELATED CORPORATION.] *"Related corporation" means a*

corporation that either owns more than 50 percent of an employer that operates an affected establishment, or is more than 50 percent owned by a corporation that also owns more than 50 percent of an employer that operates an affected establishment.

Subd. 13. [RELOCATION.] *"Relocation" means the transfer or series of transfers of part of an employer's operation from an affected establishment to an existing establishment located at an unreasonable distance, as provided by rules promulgated by the board, from the affected establishment, and which results in at least a ten percent reduction over a two year time period in the number of employees at the affected establishment. Relocation does not include a transfer from one establishment to another establishment in the same county.*

Subd. 14. [REDUCTION IN OPERATIONS.] *"Reduction in operations" means a permanent shutting down of a portion of the operations of a facility so as to reduce the number of employees at that facility by at least 50 percent over a two year period.*

Subd. 15. [ACQUIRING EMPLOYER.] *For the purposes of this act, an "acquiring employer" is an employer that acquires the facility of a previous employer. An acquiring employer shall not be considered to have operated the facility within the state during the period the previous employer operated the facility within the state, unless the intent of the acquisition is to avoid the requirements of this act.*

Sec. 4. [268A.04] [CREATION; MEMBERSHIP; CHAIRMAN; STAFF; EXECUTIVE DIRECTOR.]

Subdivision 1. [CREATION.] *A state board for the preservation of communities, businesses and jobs, designated as the Minnesota community, business and job preservation board, is created.*

Subd. 2. [MEMBERSHIP.] *The board shall consist of ten members, including as permanent members the commissioners of labor and industry, economic development and economic security and the director of the state planning agency. Two additional members shall be appointed by the governor, each of whom shall be a representative of business and labor. The representative of business shall be selected on the basis of extent of membership, its representation of both large and small employers, statewide representation of membership, a demonstrated interest in the problems and solutions of those problems related to the preservation of businesses and jobs in Minnesota, and its willingness and ability to participate in the cooperative and coordinating purposes of this section and of the board. The representative of labor shall be selected on the basis of extent of membership, statewide representation of membership, a demonstrated interest in the problems and solutions of those problems related to the preservation of businesses and jobs in Minnesota, the variety of trades represented by its membership, and its willingness and ability to participate in the cooperative and coordinating purposes of this section and of the board. Four members of the board shall be appointed by the governor from among representatives of finance, health, education and social services.*

A board member representing finance may be an employee of an appropriate state agency, a bank or savings and loan association, a home owner's counseling service, a legal aid society, a tenants union, a credit counseling center, or a similar organization.

A board member representing health shall have a degree in medicine or nursing and may be an employee of a local hospital, the state or a county health department, or a similar health organization.

A board member representing education shall have a degree in education and may be an employee of the state department of education, a primary or secondary school, a college, a community college, a junior college, or a university.

A board member representing social service may be an employee or member of a social service organization, private or governmental.

Subd. 3. [CHAIRMAN.] *The permanent chairman of the Minnesota community business and jobs preservation board shall be the commissioner of economic security.*

Subd. 4. [STAFF.] *The commissioner of economic security shall provide staff who shall serve in the classified service of the state civil service and who shall be assigned to work for the board on a continuous basis. The board shall have the authority to request staff support from all other agencies of state government as needed for the execution of its responsibilities. The commissioner may hire consultants as needed who shall serve at his pleasure in the unclassified service of the state civil service.*

Subd. 5. [EXECUTIVE DIRECTOR.] *On the recommendation of the commissioner of economic security, the board shall appoint an executive director who shall serve in the unclassified service at the pleasure of the commissioner as the principal operating administrator for the board. The executive director may be chosen from among the citizens of the nation at large, and shall be selected on the basis of training, experience and expertise in fields related to the problems associated with plant closings, plant relocations and reductions in operations as well as affirmative efforts to preserve jobs and businesses in the communities in which they are located.*

The executive director shall perform duties, on behalf of the board, as the board prescribes, including the supervising of the immediate day to day operations of the board and of the staff.

Subd. 6. [COMPENSATION OF BOARD MEMBERS.] *Each member of the Minnesota community business and job preservation board, other than the chairman and those state employees appointed to serve as representatives of finance, health, education and social services, shall be paid a per diem compensation of $35 for each meeting and for other services authorized by the board, and shall be reimbursed for reasonable expenses.*

Sec. 5. [268A.05] [POWERS AND DUTIES.]

Subdivision 1. [GENERAL.] *The powers and duties of the Minnesota community business and job preservation board shall be as provided in this section and as otherwise provided by law or executive order. Actions of the board shall be taken only at an open meeting upon a majority vote of all the permanent members of the board, except as provided in subdivision 6.*

Subd. 2. [OFFICERS.] *The board shall elect the officers as it deems necessary for the conduct of its affairs other than the chairman.*

Subd. 3. [BOARD.] *The board shall administer this act with the assistance*

of the heads of other state departments, bureaus, commissions, boards, or agencies.

Subd. 4. [DUTIES.] *The board shall also:*

(a) Conduct or participate in studies or research projects and collect available information and data related to the problems arising from plant closings, plant relocations and reductions in plant operations, both nationally and within the state;

(b) Provide for an analysis of the information and data in conjunction with the impact analysis required under subdivision 4; and

(c) Serve as a central information resource for businesses, employee organizations and the public and shall make copies of analyses reports available to the public at no cost for one copy and at the cost of duplication for more than one copy.

Subd. 5. [IMPACT ANALYSIS.] *The board with the assistance of other departments, shall provide for an analysis of each economic impact statement submitted pursuant to section 6, subdivision 2 and shall maintain current information concerning the types of state and federal assistance that is available to an affected municipality.*

Subd. 6. [CONFIDENTIAL INQUIRIES.] *The board shall, after an affirmative majority vote ordering the utmost confidentiality, conduct a confidential inquiry into any alleged future plant closing, plant relocation or reduction in plant operations based on information received by the board from a source other than the affected employer if notice from the affected employer as required by section 6 has not been received by the board.*

Subd. 7. [LOCAL COORDINATION.] *The board shall coordinate and make available to each local action committee appointed pursuant to subdivision 8 data and information on programs and services provided by the state and federal government.*

Subd. 8. [LOCAL ACTION COMMITTEE.] *Within 30 days after the notice required in section 6, or within a shorter period of time as determined by the board for an employer operating an affected establishment who provides less than a 270 day notice, the board shall appoint a local action committee in the municipality in which the affected establishment is located to plan for and attempt to relieve or minimize the effects of a closing, relocation, or reduction in operations. The committee shall be composed of one or more representatives of the employer operating the affected establishment and one or more representatives of the affected employees, and may include local representatives of finance, health, education, and social service, with the same qualifications as provided in section 4, who are residents of or are employed in the affected municipalities. One or more local representatives of the department of economic security, the chamber of commerce, an employment agency, the national alliance of businessmen, the urban league, an employer's association or a similar organization may also be appointed to the committee.*

At the direction of the board and with the board's cooperation and coordination, the local action committee shall have the duties as provided in subdivisions 9 and 10.

Subd. 9. [ACTION PLAN.] *Within 90 days after the establishment of a*

local action committee and in conjunction with the committee, the board shall develop a plan of action designed to resolve the general classes of problems faced by the affected employees, the affected municipality and the employer.

Subd. 10. [PROGRAMS.] *In order to maintain levels of employment in the affected municipality, the board may do one or more of the following:*

(a) Provide direct financial assistance to affected employees;

(b) Provide a grant or loan to an affected municipality;

(c) Attempt to persuade or induce the employer to reduce the operations of the affected establishment rather than close or relocate;

(d) Offer assistance to the employer to promote operations;

(e) Evaluate the feasibility of a proposed employee owned corporation;

(f) Attempt to persuade or induce state and local officials to grant emergency tax relief to an affected municipality that faces substantial loss of tax receipts from a closing, relocation, or reduction in operations;

(g) Apply for state and federal grants and matching funds; and

(h) Provide for other programs as may be appropriate.

The board, with the assistance of other departments, shall provide programs to meet the following needs:

(a) Employee retraining;

(b) Employee relocation; and

(c) Employee ownership of a closing or relocating corporation if its feasibility is established.

Subd. 11. [STATE COOPERATION.] *All departments, upon request, shall cooperate with the board in the implementation and administration of this act.*

Subd. 12. [RULES.] *The board may adopt, amend or repeal rules pursuant to the administrative procedure act. Rules adopted by the board shall have the force and effect of law.*

Subd. 13. [REPORT.] *The board shall, in addition to the studies, projects and other duties enumerated in subdivision 4, study the feasibility, including the economic impact on employers, of requiring employers operating an affected establishment to pay a severance benefit to affected employees. As a part of the feasibility study the board shall determine the amount, timing and employee qualification for receiving a severance benefit payment.*

A report shall be made by the board to the legislature no later than March 1, 1982, including any recommendations.

Sec. 6. [268A.06] [NOTICES.]

Subdivision 1. [PERIOD OF NOTICE.] *Each employer operating an affected establishment shall notify in writing the board, each affected employee, each affected employee organization, and each affected municipality at least 270 days before the commencement of a closing, relocation, or reduction in operations of an affected establishment. If the employer operating the affected establishment establishes to the satisfaction of the board that the closing,*

relocation, or reduction in operations was not foreseeable 270 days in advance by the employer, and that requiring the employer to remain open for the full period of notice would result in an operating loss to the employer attributable to the affected establishment, the board may approve a shorter period of notification, and the notification shall constitute compliance with this section.

Subd. 2. [ECONOMIC IMPACT STATEMENT.] *Within 45 days after the notice required in subdivision 1, or within a shorter period of time as determined by the board for an employer who provides less than a 270 day notice, the employer operating an affected establishment shall provide an economic impact statement of the closing, relocation, or reduction in operations to the commissioner, each affected employee, each affected employee organization, and each affected municipality. The economic impact statement shall include the number of affected employees, the wages and other compensation paid during the preceding year to the affected employees, the amount of state and local taxes paid by the employer during the preceding year to each affected municipality, the anticipated financial impact of the closing, relocation, or reduction in operations upon each affected municipality and upon other businesses in each affected municipality, and other information that the board, by rule, requires.*

The employer operating the affected establishment shall provide copies of the economic impact statement to the public at the cost of duplication of the statement.

Sec. 7. [268A.07] [COLLECTIVE BARGAINING RIGHTS.]

A provision of a collective bargaining agreement that requires greater protection for an affected employee or makes greater demands upon an employer operating an affected establishment than that which is provided by this act shall take precedence over the requirements of this act.

Sec. 8. [268A.08] [VIOLATIONS.]

Subdivision 1. [COMPLAINTS.] *An employee who believes that his or her employer has violated this act may file a written complaint with the board. A complaint shall not be filed later than one year after termination of employment or one year after the employee is aware of the alleged violation, whichever is the latest.*

Subd. 2. [NOTICE TO EMPLOYER.] *Within 30 calendar days after a complaint is filed, the board shall inform the employer operating the affected establishment of the complaint and shall attempt to resolve the dispute informally between the employer and the employee.*

Subd. 3. [ORDER.] *The board shall issue an order within 60 days after the complaint is filed. The order shall include a determination of the merits of the complaint and shall cite the specific violation, if any, wages and fringe benefits due, if any, and specific penalties assessed. An order shall be sent to each party by registered mail.*

Subd. 4. [REVIEW OF ORDER.] *The employer operating the affected establishment, the employee who filed the complaint, or the board may file for a review of the board's order within 14 calendar days after the order is issued. If a request for a review is not filed within 14 calendar days, the order is final.*

Subd. 5. [BOARD POWERS.] *For the purpose of an investigation or pro-*

ceeding under this section the board may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of records or other documents which the board considers relevant or material to the inquiry.

Subd. 6. [REVIEW HEARING.] *If either party files for a review, the board shall hold a hearing on the order which shall be treated as a contested case under the administrative procedure act.*

Sec. 9. [268A.09] [DISCRIMINATION PROHIBITED.]

Subdivision 1. [EMPLOYEE COMPLAINANTS.] *An employer operating an affected establishment shall not discharge, discriminate, or in any manner penalize an employee because he or she filed a complaint, instituted or caused to be instituted, or participated in an investigation or proceeding, or exercised any other right under this act.*

Subd. 2. [DISCRIMINATION COMPLAINT.] *An employee who believes that he or she has been discharged, discriminated against, or otherwise penalized by an employer operating an affected establishment in violation of this section may file a complaint with the board within 30 days of the occurrence of the violation.*

Subd. 3. [BOARD INVESTIGATION.] *Upon receipt of an employee complaint, or upon its own initiative, the board shall investigate the compliance of an employer operating an affected establishment with this act. The board has the powers given in section 8, subdivision 5, in connection with an investigation except an inquiry made pursuant to section 5, subdivision 6. After completion of the investigation, if the board determines that this section was violated, it shall notify the attorney general who shall bring an action in district court against the employer. In the action, the district court may restrain the violation of this section and provide any other appropriate relief.*

Subd. 4. [NOTICE TO COMPLAINANT.] *Within 90 days after the receipt of a complaint filed under this section, the board shall notify the complainant of the determination under subdivision 3.*

Sec. 10. [268A.10] [VIOLATIONS; PENALTIES.]

Subd. 2. [CIVIL FINE.] *The board may assess an employer operating an affected establishment who violates the notice requirement of section 6, subdivision 1, unless the board approves a shorter period of notification, a civil fine of not more than $250 per day. The civil fine shall be deposited in the general fund.*

The board may assess an employer operating an affected establishment who violates the time limitation, unless the board approves a shorter period of notification, or who provides an incomplete economic impact statement, which time limitation or economic impact statement is provided for in section 6, a civil fine of not more than $250 per day. The civil fine shall be deposited in the general fund.

Sec. 11. [268A.11] [PRIORITY OF CLAIMS.]

A money claim against an employer operating an affected establishment, on behalf of an affected employee, pursuant to this act, shall have priority over all other claims against an employer except wage claims.

Sec. 12. [268A.12] [SEVERABILITY OF PROVISIONS.]

The provisions of sections 1 to 12 shall be severable, and if a provision or the application of a provision under any circumstances is held invalid or unconstitutional, the invalidity shall not affect any other provision of sections 1 to 12 or the application of a provision under different circumstances."

Amend the title as follows:

Page 1, line 2, delete "relief" and insert "assistance"

Page 1, line 3, after "jobs" insert ", affected communities and businesses which may suffer"

Page 1, line 11, delete "a community" and insert "the Minnesota"

Page 1, delete line 12 and insert "community, business and job preservation board"

Page 1, line 13, delete "community jobs assistance fund"

Page 1, line 15, delete "179A" and insert "268A"

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

REPORT OF VOTE IN COMMITTEE

Pursuant to Rule 60, upon the request of three members, a roll call was taken on the Humphrey amendment to S. F. No. 294.

There were yeas 9 and nays 4, as follows:

Those who voted in the affirmative were: Bertram; Chmielewski; Dicklich; Kroening; Moe, D.M.; Nelson; Nichols; Pehler and Vega.

Those who voted in the negative were: Belanger, Brataas, Frederick and Taylor.

The Humphrey amendment was adopted.

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

H. F. No. 341 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
341	459				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 341 be amended as follows:

Page 1, line 8, before "*manager*" insert "*city*"

Page 1, line 17, before "*manager*" insert "*city*"

Page 1, line 20, before "*manager*" insert "*city*"

And when so amended H. F. No. 341 will be identical to S. F.No. 459, and further recommends that H. F. No. 341 be given its second reading and substituted for S. F. No. 459, 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 were referred

H. F. Nos. 84 and 496 for comparison with companion Senate Files, reports the following House Files were found identical and recommends the House Files be given their second reading and substituted for their companion Senate Files 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.
84	88			496	10

and that the above Senate Files 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. Merriam from the Committee on Agriculture and Natural Resources, to which were referred the following appointments as reported in the Journal for February 16, 1981:

WATER PLANNING BOARD

Donald H. Ogaard

Paul E. Toren

MINNESOTA ENVIRONMENTAL QUALITY BOARD

Lauren Larsen

Allan E. Mulligan

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

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

SECOND READING OF SENATE BILLS

S. F. Nos. 439, 522, 660, 645, 196, 462, 674, 530, 350, 411, 741, 502, 408 and 254 were read the second time.

SECOND READING OF HOUSE BILLS

H. F. Nos. 13, 480, 57, 341, 84 and 496 were read the second time.

MOTIONS AND RESOLUTIONS

Ms. Berglin moved that the name of Mr. Sikorski be added as co-author to S. F. No. 139. The motion prevailed.

Ms. Berglin moved that the name of Mr. Ramstad be added as co-author to S. F. No. 324. The motion prevailed.

Mr. Merriam moved that the name of Mr. Sikorski be added as co-author to S. F. No. 345. The motion prevailed.

Mr. Bang moved that his name be stricken as co-author to S. F. No. 364. The motion prevailed.

Mr. Pehler moved that the names of Messrs. Peterson, C.C. and Lessard be added as co-authors to S. F. No. 417. The motion prevailed.

Mr. Sikorski moved that the name of Ms. Berglin be added as co-author to S. F. No. 579. The motion prevailed.

Mr. Willet moved that the name of Mr. Pillsbury be added as co-author to S. F. No. 718. The motion prevailed.

Mr. Pillsbury moved that the name of Mr. Ramstad be added as co-author to S. F. No. 742. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Solon be added as co-author to S. F. No. 837. The motion prevailed.

Mr. Sikorski moved that the name of Mr. Johnson be added as co-author to S. F. No. 842. The motion prevailed.

Mr. Merriam moved that the name of Mr. Dicklich be added as co-author to S. F. No. 879. The motion prevailed.

Mr. Stern moved that the name of Mr. Keefe be added as co-author to S. F. No. 884. The motion prevailed.

Mr. Stern moved that the name of Mr. Penny be added as co-author to S. F. No. 885. The motion prevailed.

Mr. Stern moved that the names of Mr. Solon, Ms. Berglin, Messrs. Lindgren and Sikorski be added as co-authors to S. F. No. 886. The motion prevailed.

Mr. Humphrey moved that the name of Mr. Petty be added as co-author to S. F. No. 896. The motion prevailed.

Mr. Ashbach introduced—

Senate Resolution No. 33: A Senate resolution congratulating the Mounds View High School team for winning the 1981 Boys State High School Swimming and Diving Championship.

Referred to the Committee on Rules and Administration.

Mr. Ashbach introduced—

Senate Resolution No. 34: A Senate resolution congratulating the Knights team from Irondale High School for winning second place in the 1981 State High School Hockey Championship.

Referred to the Committee on Rules and Administration.

Messrs. Belanger and Bang introduced—

Senate Resolution No. 35: A Senate resolution congratulating the Jaguars hockey team from Bloomington Jefferson High School for winning the 1981 State High School Hockey Championship.

Referred to the Committee on Rules and Administration.

Mr. Knoll moved that S.F. Nos. 899 and 900 be withdrawn from the Committee on Rules and Administration and re-referred to the Committee on Commerce. The motion prevailed.

CALENDAR

S. F. No. 42: A bill for an act relating to elections; permitting certain challenges to voters; providing procedures for election contests; amending Minnesota Statutes 1980, Sections 204A.32, Subdivision 4; 209.02, Subdivisions 3, 4, and 4a; 209.06, Subdivision 2; 209.09; and 209.10, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 209.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 1, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Langseth	Peterson, D.L.	Stokowski
Bang	Dieterich	Lantry	Peterson, R.W.	Stumpf
Belanger	Frank	Lessard	Petty	Taylor
Benson	Frederick	Lindgren	Pillsbury	Tennessen
Berglin	Frederickson	Luther	Ramstad	Vega
Bernhagen	Hanson	Merriam	Renneke	Waldorf
Bertram	Hughes	Moe, D.M.	Rued	Wegener
Brataas	Johnson	Moe, R.D.	Schmitz	Willet
Chmielewski	Keefe	Nelson	Setzepfandt	
Dahl	Knutson	Nichols	Solon	
Davies	Kroening	Pehler	Spear	
Davis	Kronebusch	Penny	Stern	

Mr. Ulland voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 99: A bill for an act relating to elections; changing certain procedures and requirements relating to elections; amending Minnesota Statutes 1980, Sections 201.061, Subdivisions 1 and 3; 203A.13; 203A.31, Subdivision 3; 203A.32, Subdivision 3; 203A.33, Subdivision 4; 204A.14; 204A.29; 204A.34, Subdivision 2; 204A.44, Subdivision 1; 204A.45, Subdivision 1; 204A.47, Subdivision 1; 204A.49, Subdivision 1; 206.03; 206.20, Subdivision 2; 207.08, Subdivision 2; 208.03; and 208.05; repealing Minnesota Statutes 1980, Section 201.18.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 49 and nays 7, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kroening	Pehler	Spear
Bang	Dieterich	Kronebusch	Penny	Stern
Belanger	Frank	Lantry	Peterson, R.W.	Stokowski
Berglin	Frederick	Lessard	Petty	Stumpf
Bertram	Hanson	Luther	Pillsbury	Taylor
Brataas	Hughes	Merriam	Ramstad	Tennessen
Chmielewski	Johnson	Moe, D.M.	Renneke	Vega
Dahl	Keefe	Moe, R.D.	Schmitz	Waldorf
Davies	Knoll	Nelson	Setzepfandt	Willet
Davis	Knutson	Nichols	Solon	

Those who voted in the negative were:

Benson	Frederickson	Peterson, D.L.	Rued	Ulland
Bernhagen	Lindgren			

So the bill passed and its title was agreed to.

S. F. No. 338: A bill for an act relating to public employment; eliminating certain part time adult vocational education instructors from the definition of public employee; amending Minnesota Statutes 1980, Section 179.63, Subdivision 7.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 2, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Lantry	Peterson, R.W.	Stumpf
Bang	Frank	Lessard	Petty	Taylor
Belanger	Frederick	Lindgren	Pillsbury	Tennessen
Benson	Frederickson	Luther	Ramstad	Ulland
Berglin	Hanson	Merriam	Renneke	Vega
Bernhagen	Hughes	Moe, D.M.	Rued	Waldorf
Bertram	Keefe	Moe, R.D.	Schmitz	Wegener
Brataas	Knoll	Nelson	Setzepfandt	Willet
Chmielewski	Knutson	Nichols	Solon	
Dahl	Kroening	Pehler	Spear	
Davies	Kronebusch	Penny	Stern	
Davis	Langseth	Peterson, D.L.	Stokowski	

Messrs. Dicklich and Johnson voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 225: A bill for an act relating to labor; regulating certain charges to persons earning the minimum wage; amending Minnesota Statutes 1980, Section 177.24, by adding subdivisions.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 55 and nays 3, as follows:

Those who voted in the affirmative were:

Bang	Dieterich	Langseth	Penny	Spear
Belanger	Frank	Lantry	Peterson, D.L.	Stern
Benson	Frederickson	Lessard	Peterson, R.W.	Stokowski
Berglin	Hanson	Lindgren	Petty	Stumpf
Bernhagen	Hughes	Luther	Pillsbury	Taylor
Brataas	Johnson	Merriam	Ramstad	Tennessen
Chmielewski	Keefe	Moe, D.M.	Renneke	Ulland
Dahl	Knoll	Moe, R.D.	Rued	Vega
Davies	Knutson	Nelson	Schmitz	Waldorf
Davis	Kroening	Nichols	Setzepfandt	Wegener
Dicklich	Kronebusch	Pehler	Solon	Willet

Messrs. Ashbach, Bertram and Frederick voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 345: A bill for an act relating to crimes; increasing the penalty for certain forms of cruelty to animals; amending Minnesota Statutes 1980, Section 346.29.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kroening	Penny	Stern
Bang	Dieterich	Langseth	Peterson, D.L.	Stokowski
Belanger	Engler	Lantry	Peterson, R.W.	Stumpf
Benson	Frank	Lessard	Petty	Taylor
Berglin	Frederick	Lindgren	Pillsbury	Tennessen
Bernhagen	Frederickson	Luther	Ramstad	Ulland
Bertram	Hanson	Merriam	Renneke	Vega
Brataas	Hughes	Moe, D.M.	Rued	Waldorf
Chmielewski	Johnson	Moe, R.D.	Schmitz	Willet
Dahl	Keefe	Nelson	Setzepfandt	
Davies	Knoll	Nichols	Solon	
Davis	Knutson	Pehler	Spear	

So the bill passed and its title was agreed to.

S. F. No. 620: A bill for an act relating to economic development; extending the date on which the report of the conference on small business is due; extending the life of certain appropriations; amending Laws 1980, Chapter 613, Sections 4 and 5.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kroening	Penny	Spear
Bang	Dieterich	Kronebusch	Peterson, D.L.	Stern
Belanger	Engler	Langseth	Peterson, R.W.	Stokowski
Benson	Frank	Lantry	Petty	Stumpf
Berglin	Frederick	Lessard	Pillsbury	Taylor
Bernhagen	Frederickson	Lindgren	Ramstad	Tennessen
Bertram	Hanson	Luther	Renneke	Ulland
Brataas	Hughes	Merriam	Rued	Vega
Chmielewski	Johnson	Moe, R.D.	Schmitz	Waldorf
Dahl	Keefe	Nelson	Setzepfandt	Wegener
Davies	Knoll	Nichols	Sikorski	Willet
Davis	Knutson	Pehler	Solon	

So the bill passed and its title was agreed to.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS

CONFIRMATION

Mr. Merriam moved that the reports from the Committee on Agriculture and Natural Resources, reported March 16, 1981, pertaining to appointments, be taken from the table. The motion prevailed.

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

Mr. Merriam moved that in accordance with the reports from the Committee on Agriculture and Natural Resources, reported March 16, 1981, the Senate, having given its advice, do now consent to and confirm the appointments of:

WASTE MANAGEMENT BOARD CHAIRPERSON

Robert G. Dunn, 708 Fourth Street South, Princeton, Mille Lacs County, effective July 1, 1980, for a term expiring June 30, 1984.

WASTE MANAGEMENT BOARD

Laurence E. Hunter, 807 W. 2nd Street, Hastings, Dakota County, effective July 21, 1980, for a term expiring the first Monday in January, 1984.

Keith Kuiter, Route 1, Box 51, Clarks Grove, Freeborn County, effective July 21, 1980, for a term expiring the first Monday in January, 1984.

William G. Kirchner, 6830 Newton Avenue South, Richfield, Hennepin County, effective July 21, 1980, for a term expiring the first Monday in January, 1984.

Milton L. Knoll, Jr., 2543 Orchard Lane, White Bear Lake, Ramsey County, effective July 21, 1980, for a term expiring the first Monday in January, 1984.

Louise Kuderling, 5340 3rd Avenue South, Minneapolis, Hennepin County, effective July 21, 1980, for a term expiring the first Monday in January, 1984.

Thomas T. Renner, 14747 County Road 30, Elk River, Sherburne County, effective July 21, 1980, for a term expiring the first Monday in January, 1984.

Allan B. Eide, Hitterdal, Clay County, effective July 21, 1980, for a term expiring the first Monday in January, 1984.

David Hartley, 4575 Lindahl Road, Hermantown, St. Louis County, effective July 21, 1980, for a term expiring the first Monday in January, 1984.

MINNESOTA POLLUTION CONTROL AGENCY DIRECTOR

Louis J. Breimhurst, 1374 Osceola Avenue, St. Paul, Ramsey County,

effective February 2, 1981, for a term expiring the first Monday in January, 1983.

The motion prevailed. So the appointments were confirmed.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Setzepfandt in the chair.

After some time spent therein, the committee arose, and Mr. Setzepfandt reported that the committee had considered the following:

S. F. No. 216 and H. F. No. 77, which the committee recommends to pass.

S. F. No. 226, which the committee recommends be re-referred to the Committee on Judiciary, subject to the following motions:

Mr. Chmielewski moved to amend S.F. No. 226 as follows:

Page 2, line 36, after "hospitals" strike the comma and insert "*and*" and delete the new language

Page 3, line 1, delete "*providers,*"

Page 3, line 4, reinstate the stricken "or" and after "or" delete the comma

Page 3, line 5, delete the new language

Amend the title as follows:

Page 1, line 6, delete "and other licensed health care providers"

The motion prevailed. So the amendment was adopted.

Mr. Tennessen moved to amend S.F. No. 226 as follows:

Page 2, line 35, delete "*podiatrists,*"

Page 3, line 4, delete "*podiatrist.*"

Amend the title as follows:

Page 1, line 5, delete "relating to podiatrists"

The motion prevailed. So the amendment was adopted.

S. F. No. 11, which the committee recommends to pass with the following amendment offered by Mr. Davies:

Page 1, delete lines 9 to 20 and insert:

"514.59 [WAGES, LIEN AS AGAINST SEIZURE.]

Every ~~mechanic, salesman, clerk, operative, or other~~ employee ~~of a manufacturer, merchant, or dealer in merchandise shall have~~ *has* a lien upon all the property of his employer, as against any attachment or execution levied thereon, for the security of ~~his~~ *the employee's* wages earned within the six months last preceding, to an amount not exceeding ~~$200~~ *$1,000 or five weeks net wages, whichever is greater, subject to a maximum of $3,000.* ~~Such~~ *The* lien shall not be affected by any agreement with the employer to waive the ~~same~~ *lien*, and shall be preferred to mortgages, judgments, and other liens which ~~shall have attached~~ *attach* after the beginning of the labor or services ~~in~~ *by*

which the wages were earned.''

The motion prevailed. So the amendment was adopted.

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

RECESS

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

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

APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

S. F. No. 366: Messrs. Moe, R.D.; Frederick; Johnson; Hanson and Sieloff.

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

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Mr. Pillsbury moved that S.F. No. 217 be withdrawn from the Committee on Public Employees and Pensions and re-referred to the Committee on Education. 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. Knoll, Mrs. Stokowski, Ms. Berglin, Messrs. Petty and Kroening introduced—

S.F. No. 903: A bill for an act relating to the city of Minneapolis; providing for amendment of certain special revenue obligations; amending Laws 1975, Chapter 188, Section 3, by adding a subdivision.

Referred to the Committee on Energy and Housing.

Messrs. Engler and Rued introduced—

S.F. No. 904: A bill for an act relating to education; specifying methods of computing summer school enrollments for aid purposes; requiring the state board of education to adopt rules to define summer school expenditures; authorizing school districts to levy for summer school expenditures; amending Minnesota Statutes 1980, Sections 124.17, Subdivisions 2 and 2c, and by adding a subdivision; 124.20; and 275.125, by adding a subdivision.

Referred to the Committee on Education.

Mr. Chmielewski introduced—

S.F. No. 905: A bill for an act relating to appropriations; appropriating funds to the department of natural resources for the purchase of land within Chengwatana State Forest.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Davis; Peterson, C.C.; Engler; Ashbach and Johnson introduced—

S.F. No. 906: A bill for an act relating to taxation; providing income tax credits for the investment in property used in recycling and on the gross receipts from sales of recycled materials; exempting from the sales and use tax certain materials used in recycling; amending Minnesota Statutes 1980, Sections 290.06, by adding subdivisions; and 297A.25, Subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Engler, Schmitz, Frederickson, Berg and Rued introduced—

S.F. No. 907: A bill for an act relating to waters; providing for notice of hearings on certain watershed improvements; amending Minnesota Statutes 1980, Section 112.53.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Petty, Stern, Ashbach, Solon and Benson introduced—

S.F. No. 908: A bill for an act relating to insurance; providing for a program of continuing education; establishing a continuing insurance education advisory committee; authorizing the commissioner of insurance to promulgate rules to implement the program; proposing new law coded in Minnesota Statutes, Chapter 60A.

Referred to the Committee on Commerce.

Mr. Ulland introduced—

S.F. No. 909: A bill for an act relating to agriculture; excluding pipeline companies from certain restrictions on acquisition of agricultural land; amending Minnesota Statutes 1980, Section 500.221, Subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Engler; Peterson, D.L.; Rued; Berg and Mrs. Kronebusch introduced—

S.F. No. 910: A bill for an act relating to taxation; income; increasing the amount of non-farm income which may be used to offset farming expenses and losses; amending Minnesota Statutes 1980, Section 290.09, Subdivision 29.

Referred to the Committee on Taxes and Tax Laws.

Mr. Johnson introduced—

S.F. No. 911: A bill for an act relating to motor vehicles; providing for a reduced registration tax on certain vehicles owned by senior citizens who do

not operate the vehicles on the public streets and highways during certain periods; amending Minnesota Statutes 1980, Section 168.013, by adding a subdivision.

Referred to the Committee on Transportation.

Messrs. Setzepfandt, Bertram and Bernhagen introduced—

S.F. No. 912: A bill for an act relating to waters; altering the definition of public wetlands; amending Minnesota Statutes 1980, Section 105.37, Subdivision 15.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Pillsbury and Keefe introduced—

S.F. No. 913: A bill for an act relating to retirement; authorizing the purchase of allowable service credit by a certain member of the teachers retirement association.

Referred to the Committee on Public Employees and Pensions.

Messrs. Willet, Wegener, Stumpf, Ashbach and Menning introduced—

S.F. No. 914: A bill for an act relating to state departments; creating a revolving fund for use by the board of electricity to deposit inspection fees and pay costs of inspection; appropriating money; amending Minnesota Statutes 1980, Sections 326.241, Subdivision 3; and 326.244, Subdivision 2.

Referred to the Committee on Governmental Operations.

Messrs. Wegener, Pehler and Peterson, D.L. introduced—

S.F. No. 915: A bill for an act relating to sheriff fees; prescribing fees to be charged by the sheriff; amending Minnesota Statutes 1980, Section 357.09, Subdivisions 1 and 2, and by adding a subdivision.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Schmitz introduced—

S.F. No. 916: A bill for an act relating to local government; fixing dollar limitations for bidding procedures; amending Minnesota Statutes 1980, Sections 160.17, Subdivision 2; 365.37; 375.21, Subdivision 1; 412.311; 429.041, Subdivisions 1 and 2; and 471.345, Subdivisions 3 and 4.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Hanson, Ramstad and Peterson, R.W. introduced—

S.F. No. 917: A bill for an act relating to the statutes; removing archaic language from certain laws related to animals; amending Minnesota Statutes 1980, Sections 346.20; 346.21; 346.215; 346.216; 346.22; 346.23; 346.24; 346.25; 346.26; 346.27; 346.28; 346.31; 346.32; 346.33; 346.34; and 347.23.

Referred to the Committee on Judiciary.

Messrs. Hanson; Peterson, R.W. and Ramstad introduced—

S.F. No. 918: A bill for an act relating to Minnesota Statutes; making various clarifications and technical amendments relating to the style and form of Minnesota Statutes 1980, Chapter 56; amending Minnesota Statutes 1980, Sections 56.01; 56.02; 56.04; 56.05; 56.06; 56.07; 56.09; 56.10; 56.11; 56.12; 56.13; 56.14; 56.15, Subdivision 1; 56.16; 56.17; 56.18; 56.19; 56.20; 56.21; 56.22; 56.23; 56.24; 56.25; proposing new law coded in Minnesota Statutes, Chapter 56; repealing Minnesota Statutes 1980, Sections 56.15, Subdivision 2; and 56.26.

Referred to the Committee on Judiciary.

Messrs. Hanson, Ramstad and Peterson, R.W. introduced—

S.F. No. 919: A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, omitted and obsolete references and text; eliminating redundant, conflicting and superseded provisions; reenacting certain laws; amending Minnesota Statutes 1980, Sections 10.30; 12.03, Subdivision 9; 12.25, Subdivision 1; 15.0412, Subdivision 4d; 15.1611, Subdivisions 1 and 2; 15.1621, Subdivision 2; 15.163, Subdivision 6; 15.166, Subdivisions 1, 2 and 4; 15.1671; 15.50, Subdivision 1; 15.61, Subdivision 2; 16.172; 16.822, Subdivisions 3 and 6; 17.72; 17B.23; 27.01, Subdivision 1; 31.58;32A.04, Subdivision 1; 35.067; 40.05, Subdivision 4; 40.071; 43.12, Subdivision 19; 43.126, Subdivisions 1 and 2; 43.24, Subdivision 2; 43.323, Subdivision 3; 47.203; 48.88, Subdivision 2; 50.14, Subdivision 5, as reenacted; 55.15; 60A.23, Subdivision 8; 62A.152, Subdivision 2; 62D.22, Subdivision 6; 62D.28, Subdivisions 2 and 3; 65B.05; 65B.06, Subdivision 2; 65B.71, Subdivision 2; 69.031, Subdivision 5; 69.29; 72A.20, Subdivision 15; 72C.11; 79.34, Subdivision 1; 84.55; 84A.52; 84B.05; 90.195; 92.36; 93.45, Subdivision 2; 111.09, Subdivision 2; 111.11; 111.31; 111.36; 111.78; 112.43, Subdivision 2; 115.34, Subdivision 1; 116.02, Subdivision 3; 116.06, Subdivision 1; 116.10; 122.532, Subdivision 3; 144.125; 144.653, Subdivision 1; 144.801, Subdivision 8; 144.92; 144A.01, Subdivision 2; 144A.10, Subdivision 3; 145.838, Subdivision 3; 148.88; 151.26, Subdivision 1; 161.38, Subdivision 6; 162.08, Subdivision 3; 173.12; 173.13, Subdivision 2; 173.20; 173.21; 174.256, Subdivision 5; 176.011, Subdivision 11a; 179.68, Subdivision 2; 179.69, Subdivision 3a; 179.691; 179.692; 182.661, Subdivision 1; 183.52; 183.56; 183.57, Subdivision 2; 183.59; 197.13; 197.48; 197.603, Subdivision 2; 218.031, Subdivision 1; 218.041, Subdivisions 2, 7 and 8; 219.39; 219.40; 219.741; 237.30; 239.05, Subdivision 1; 239.09; 241.021, Subdivision 2; 241.045, Subdivision 6; 241.27, Subdivision 2; 241.62, Subdivision 5; 243.87; 245.05; 245.06; 245.07; 245.781; 245.782, Subdivisions 1, 11 and 12; 245.783, Subdivisions 1, 2 and 3; 245.791; 245.801, Subdivision 5; 245.802, Subdivision 2; 245.803, Subdivisions 1, 2 and 3; 245.812, Subdivisions 2, 5 and 6; 250.05, Subdivisions 2 and 4; 256.25; 256.263, Subdivision 1; 256.483, Subdivision 1; 256B.15; 256E.03, Subdivision 2; 256E.06, Subdivision 2; 257.64, Subdivision 1; 260.241, Subdivision 4; 273.13, Subdivision 6; 275.50, Subdivisions 2 and 5; 282.281; 290.05, Subdivision 1; 290.14; 290.35; 290.53, Subdivision 4; 290.92, Subdivision 5; 290A.01; 290A.02; 290A.03, Subdivisions 1, 3, 8, 11 and 12; 290A.08; 290A.09; 290A.11, Subdivision 1; 290A.13; 290A.15; 290A.16; 290A.17; 290A.20; 290A.22; 294.25; 295.34, Subdivision 1; 297.03, Subdivision 3; 298.223; 298.244, Subdivision 2; 299F.19, Subdivision 6; 299H.22, Subdivision 2; 308.07, Subdivision 10; 325F.34; 326.02, Subdivisions 1, 2, 3, 4a

and 5; 326.03, Subdivision 5; 326.08, Subdivision 1; 326.11, Subdivision 1; 326.12, Subdivision 3; 326.13; 340.54, Subdivisions 1 and 2; 349.11; 352.22, Subdivision 3; 352B.075, Subdivision 1; 353.661, Subdivision 2; 353.71, Subdivision 1; 354.44, Subdivision 1a; 354A.21; 360.037, Subdivision 2; 368.86; 412.251; 414.0325, Subdivisions 1 and 5; 418.20; 423.075, Subdivision 2; 427.09; 447.34, Subdivision 1; 447.35; 447.45, Subdivision 1; 465.72; 471.371, Subdivision 3; 471.616, Subdivision 1; 471.617; 471.74, Subdivision 2; 473.438, Subdivision 3; 473F.02, Subdivision 17; 474.03; 480.059, Subdivision 7; 485.14; 508.37, by adding a subdivision; 518.155; 518.66; 595.021; 595.022; 611.07, Subdivision 3; 611.12, Subdivision 7; 626.556, Subdivision 11; 626A.12, Subdivision 5; 628.56; 629.404, Subdivision 1; Laws 1980, Chapter 614, Section 163; reenacting Minnesota Statutes 1980, Section 50.14, Subdivision 5; reenacting and validating Laws 1980, Chapters 528 and 556; repealing Minnesota Statutes 1980, Chapters 2A and 3B; Sections 115.15; 115.16; 218.041, Subdivision 3; 273.061, Subdivision 11; 282.11; 325F.33; 325F.49; 325F.50; 473F.08, Subdivision 11; 475.53, Subdivision 2; 508.37, Subdivision 1; Laws 1979, Chapters 40, Sections 6 and 9; 303, Article 2, Section 7, and Article 10, Section 7; and 334, Article 3, Section 15; Laws 1980, Chapters 437, Section 4; 460, Sections 5, 18, 19 and 27; 487, Section 14; 509, Section 127; 528, Section 4; 534, Sections 27, 31, 39, 47, 53 and 54; 579, Section 3; and 600, section 8.

Referred to the Committee on Judiciary.

Messrs. Dicklich, Ashbach, Johnson, Berg and Lessard introduced—

S.F. No. 920: A bill for an act relating to the environment; changing procedures for the appointment of the director of the environmental education board; requiring litter bags and receptacles in certain places; prohibiting littering; directing the commissioner of transportation to support certain public education programs related to pollution; requiring a litter collection analysis; establishing penalties; appropriating money; amending Minnesota Statutes 1980, Sections 116E.03, Subdivisions 7, 7a and 8; and 174.02, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 174; repealing Minnesota Statutes 1980, Sections 85.20, Subdivision 6; 169.42; and 609.68.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Merriam, Dahl, Sikorski, Frank and Knutson introduced—

S.F. No. 921: A bill for an act relating to public utilities; requiring a single zone for telephone service in the metropolitan area; proposing new law coded in Minnesota Statutes, Chapter 239.

Referred to the Committee on Commerce.

Mr. Olhoft introduced—

S.F. No. 922: A bill for an act relating to state lands; providing for the conveyance of certain land to the city of Fergus Falls.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Davies introduced—

S.F. No. 923: A bill for an act relating to municipal industrial development;

stating policies; giving duties to the commissioner of economic development; requiring approval of qualifying projects; providing for interest rates on industrial development bonds; prohibiting "moral obligation" debt; amending Minnesota Statutes 1980, Sections 474.01, Subdivisions 1, 7a, and by adding a subdivision; 474.02, Subdivision 7; 474.04; 474.05; 474.06; 474.07; and 474.08; repealing Minnesota Statutes 1980, Section 474.01, Subdivision 7b.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Vega introduced—

S.F. No. 924: A bill for an act relating to metropolitan government; changing procedures for financial assistance to the metropolitan transit commission; establishing a program to assist demonstrations of alternative methods of providing public transit service for certain communities; providing for alternative uses of metropolitan transit tax levies; amending Minnesota Statutes 1980, Sections 174.24, Subdivision 3; 473.411, Subdivision 1; and 473.446; proposing new law coded in Minnesota Statutes, Chapter 174; repealing Minnesota Statutes 1980, Section 174.28.

Referred to the Committee on Transportation.

Messrs. Hanson, Penny, Setzepfandt, Renneke and Wegener introduced—

S.F. No. 925: A bill for an act relating to the environment; directing regional development commissions to assist certain cities and towns to carry out environmental impact review procedures; reimbursing local governments for certain litigation costs; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 116D.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Sieloff, Dahl, Ramstad and Peterson, R.W. introduced—

S.F. No. 926: A bill for an act relating to marriage dissolution; changing provisions relating to venue, disposition of the homestead and marital assets, and modification of support orders; providing for expedited hearings in certain cases; amending Minnesota Statutes 1980, Sections 518.09; 518.131, by adding a subdivision; 518.58; and 518.64, Subdivision 2.

Referred to the Committee on Judiciary.

Messrs. Dahl, Humphrey, Wegener and Petty introduced—

S.F. No. 927: A bill for an act relating to taxation; authorizing governmental subdivisions to levy taxes for energy conservation measures; amending Minnesota Statutes 1980, Section 275.50, by adding a subdivision.

Referred to the Committee on Energy and Housing.

Ms. Berglin, Messrs. Johnson, Vega, Dieterich and Sieloff introduced—

S.F. No. 928: A bill for an act relating to taxation; increasing the amount of market value on homestead property taxed at lower rates; increasing the maximum homestead credit from $650 to $700; amending Minnesota Statutes

1980, Section 273.13, Subdivision 7.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Dahl, Setzepfandt, Bertram and Davis introduced—

S.F. No. 929: A bill for an act relating to commerce; requiring manufacturers of alcohol fueled motor vehicles to offer the same for sale within the state; proposing new law coded in Minnesota Statutes, Chapter 325E.

Referred to the Committee on Energy and Housing.

Messrs. Lindgren, Frederickson, Engler, Renneke and Rued introduced—

S.F. No. 930: A bill for an act relating to retirement; providing post retirement annuity or benefit increases for certain retired or disabled public employees; appropriating funds; amending Laws 1979, Chapter 293, Section 10, Subdivision 3.

Referred to the Committee on Public Employees and Pensions.

Messrs. Renneke; Dahl; Peterson, R.W. and Keefe introduced—

S.F. No. 931: A bill for an act relating to crimes; providing for compensation and travel expenses of jurors; amending Minnesota Statutes 1980, Section 593.48.

Referred to the Committee on Judiciary.

Messrs. Peterson, R.W.; Hanson; Stern; Davies and Keefe introduced—

S.F. No. 932: A bill for an act relating to tort liability; fixing the maximum liability of the state, political subdivisions and their employees; permitting subrogation of certain claims; amending Minnesota Statutes 1980, Sections 3.736, Subdivision 4; 466.01, Subdivision 1; 466.03, Subdivision 2; 466.04; 466.05, Subdivision 2; 466.06; and 466.07.

Referred to the Committee on Judiciary.

Mr. Dahl introduced—

S.F. No. 933: A bill for an act relating to energy; requiring solar heating for outdoor swimming pools; proposing new law coded in Minnesota Statutes, Chapter 116H.

Referred to the Committee on Energy and Housing.

Messrs. Purfeerst, Vega and Engler introduced—

S.F. No. 934: A bill for an act relating to health; providing for the purchase of special dietary formula in order to combat phenykretonuria; appropriating money.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Solon, Johnson, Stern, Sikorski and Keefe introduced—

S.F. No. 935: A bill for an act relating to liquor; registration of labels;

amending Minnesota Statutes 1980, Section 340.621.

Referred to the Committee on Commerce.

Messrs. Peterson, C.C.; Willet; Sieloff; Merriam and Ulland introduced—

S.F. No. 936: A bill for an act relating to taxation; providing for reduced assessment of property with conservation restrictions; providing penalties; proposing new law coded in Minnesota Statutes, Chapter 273.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Petty, Mrs. Lantry and Ms. Berglin introduced—

S.F. No. 937: A bill for an act relating to insurance; prohibiting the issuance or renewal of certain health policies or plans which exclude or limit coverage on DES related conditions; proposing new law coded in Minnesota Statutes, Chapter 62A.

Referred to the Committee on Commerce.

Messrs. Petty, Humphrey, Langseth, Dahl and Knoll introduced—

S.F. No. 938: A bill for an act memorializing the President and Congress to maintain the present schedule for natural gas price decontrol.

Referred to the Committee on Rules and Administration.

Ms. Berglin, Messrs. Dicklich, Pehler and Moe, D.M. introduced—

S.F. No. 939: A bill for an act relating to human rights; clarifying the meaning of reprisal; permitting the filing of a charge of unfair discriminatory practice directly in district court; authorizing injunctions for acts of reprisal; increasing the award of punitive damages; permitting the recovery of damages for mental anguish and suffering; amending Minnesota Statutes 1980, Sections 363.03, Subdivision 7; 363.06, Subdivisions 1, 3 and 4; 363.071, Subdivision 2; and 363.14, Subdivision 1.

Referred to the Committee on Governmental Operations.

Messrs. Stern; Peterson, C.C. and Mrs. Brataas introduced—

S.F. No. 940: A bill for an act relating to autopsies; requiring autopsies for deaths related to the discharge of firearms; amending Minnesota Statutes 1980, Sections 390.11, Subdivision 2; and 390.32, Subdivision 2.

Referred to the Committee on Judiciary.

Messrs. Stern, Sikorski, Menning and Frederickson introduced—

S.F. No. 941: A bill for an act relating to crimes; specifying the crime of incest; prescribing penalties; amending Minnesota Statutes 1980, Sections 518B.01, Subdivision 2; 609.35; and 626.556, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 609.

Referred to the Committee on Judiciary.

Mr. Pehler introduced—

S.F. No. 942: A bill for an act relating to the secretary of state; requiring that

government survey documents be maintained on microfilm; providing for filing certain documents with the Minnesota historical society; amending Minnesota Statutes 1980, Section 5.03.

Referred to the Committee on Governmental Operations.

Mr. Merriam introduced—

S.F. No. 943: A bill for an act relating to education; requiring the counting of home visitation days for preschool handicapped pupils as days of program attendance; amending Minnesota Statutes 1980, Section 124.17, Subdivision 1.

Referred to the Committee on Education.

Messrs. Keefe; Knoll; Lindgren; Moe, D.M. and Knutson introduced—

S.F. No. 944: A bill for an act relating to metropolitan government; providing for a metropolitan rail transit program; providing financing; appropriating money; amending Minnesota Statutes 1980, Sections 473.401, by adding subdivisions; 473.402, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 473.

Referred to the Committee on Transportation.

Mr. Schmitz introduced—

S.F. No. 945: A bill for an act relating to public welfare; defining homestead for purposes of receiving medical assistance and aid to families with dependent children; amending Minnesota Statutes 1980, Sections 256.73, Subdivision 2; and 256B.06, Subdivision 1.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Menning introduced—

S.F. No. 946: A bill for an act relating to local government; permitting Murray county and the city of Slayton to make joint powers agreements for the administration of county ditches.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Keefe, Ulland, Renneke and Tennessen introduced—

S.F. No. 947: A bill for an act relating to state government; extending the contract preference for United States materials to include Mexican and Canadian made materials; amending Minnesota Statutes 1980, Section 16.073.

Referred to the Committee on Governmental Operations.

Mr. Johnson introduced—

S.F. No. 948: A bill for an act relating to local government; providing for the valuation and assessment for property taxes of certain unique mining property.

Referred to the Committee on Taxes and Tax Laws.

Mr. Johnson introduced—

S.F. No. 949: A bill for an act relating to the environment; changing procedures for the appointment of the director of the environmental education board; requiring litter bags and receptacles in certain places; prohibiting littering; directing the commissioner of transportation to support certain public education programs related to pollution; requiring a litter collection analysis; establishing penalties; appropriating money; amending Minnesota Statutes 1980, Sections 116E.03, Subdivisions 7, 7a and 8; 174.02, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 174; repealing Minnesota Statutes 1980, Sections 85.20, Subdivision 6; 169.42; and 609.68.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Peterson, R.W. and Davis introduced—

S.F. No. 950: A bill for an act relating to the city of Isanti; authorizing the city to issue general obligation bonds for the acquisition and betterment of a municipal building.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Keefe, Mrs. Brataas, Mr. Olhoft, Mrs. Lantry and Mr. Knutson introduced—

S.F. No. 951: A bill for an act relating to crimes; prescribing mandatory minimum and mandatory sentences for certain offenses relating to promotion of prostitution; amending Minnesota Statutes 1980, Section 609.322, Subdivision 1.

Referred to the Committee on Judiciary.

Ms. Berglin, Messrs. Petty and Ulland introduced—

S.F. No. 952: A bill for an act relating to municipal development; providing limitations on, and requiring public purpose findings for, commercial revenue bonds; redefining redevelopment district for purposes of tax increment law; amending Minnesota Statutes 1980, Sections 474.01, Subdivision 7b; and 273.73, Subdivision 10; proposing new law coded in Minnesota Statutes, Chapter 474.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Tennessen, Bang, Mrs. Brataas, Messrs. Solon and Stern introduced—

S.F. No. 953: A bill for an act relating to financial institutions; savings associations; increasing the loan term of direct reduction loans; providing for the organization, operation, conversion, merger, reorganization, consolidation, and dissolution of mutual and capital stock associations; authorizing the establishment of savings and loan holding companies; granting the commissioner certain supervisory powers; providing certain examination and reporting requirements; authorizing the issuance and sale of capital certificates; authorizing the payment of dividends on capital stock; authorizing the issuance of certain accounts to married persons or minors as sole owners thereof; allowing

certain foreign associations to do business in the state; prescribing duties; providing examinations and supervision; defining terms; prescribing penalties; amending Minnesota Statutes 1980, Sections 51A.02, Subdivisions 2 and 4, and by adding subdivisions; 51A.03; 51A.04; 51A.07; 51A.08; 51A.09; 51A.10; 51A.11; 51A.12; 51A.13; 51A.15, Subdivision 7; 51A.19, Subdivision 1, and by adding subdivisions; 51A.20; 51A.21, Subdivision 5, and by adding subdivisions; 51A.22; 51A.43; 51A.44; 51A.45; 51A.50; 51A.52; 51A.53; proposing new law coded in Minnesota Statutes, Chapter 51A; repealing Minnesota Statutes 1980, Sections 51A.06; and 51A.49.

Referred to the Committee on Commerce.

Messrs. Solon, Stern and Humphrey introduced—

S.F. No. 954: A bill for an act relating to manufactured homes; requiring provision for manufactured homes in planning and zoning; amending Minnesota Statutes 1980, Section 462.357, by adding a subdivision.

Referred to the Committee on Energy and Housing.

Messrs. Petty, Sieloff and Tennessen introduced—

S.F. No. 955: A bill for an act relating to taxation; changing the property tax targeting; repealing the maximum amount of credit; amending Minnesota Statutes 1980, Section 290A.04, Subdivision 2c.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Merriam, Sikorski, Hanson and Dahl introduced—

S.F. No. 956: A bill for an act relating to crimes; authorizing state funding for the Minnesota automated fingerprint identification network; appropriating money; amending Minnesota Statutes 1980, Sections 299C.46; and 299C.48.

Referred to the Committee on Governmental Operations.

Messrs. Knutson and Lindgren introduced—

S.F. No. 957: A bill for an act relating to water; abolishing the water planning board; transferring certain duties of the water planning board to the environmental quality board; appropriating money; amending Minnesota Statutes 1980, Sections 116C.03, Subdivision 2; and 116C.04, by adding a subdivision; repealing Minnesota Statutes 1980, Section 105.401.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Dahl introduced—

S.F. No. 958: A bill for an act relating to health; providing for the capping of an inverted well in White Bear Lake; appropriating money.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Dahl, Olhoft, Luther and Johnson introduced—

S.F. No. 959: A bill for an act relating to taxation; property tax; extending

the energy device exemption to certain devices used to provide energy for sale; amending Minnesota Statutes 1980, Section 273.11, Subdivision 6.

Referred to the Committee on Energy and Housing.

Messrs. Menning, Chmielewski and Penny introduced—

S.F. No. 960: A bill for an act relating to transportation; authorizing road authorities to designate ten-ton collector routes; prescribing maximum vehicle weights on those routes; proposing new law coded in Minnesota Statutes, Chapter 169.

Referred to the Committee on Transportation.

Messrs. Stern, Dieterich, Lindgren, Mrs. Brataas and Mr. Waldorf introduced—

S.F. No. 961: A bill for an act relating to housing; allowing certain elderly and handicapped assisted-living housing to be included as municipal industrial development projects; amending Minnesota Statutes 1980, Section 474.02, Subdivision 1d.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Frank and Mrs. Stokowski introduced—

S.F. No. 962: A bill for an act relating to counties; concerning Anoka county; providing for a seven member board of commissioners; amending Minnesota Statutes 1980, Section 375.01.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Petty and Wegener introduced—

S.F. No. 963: A bill for an act relating to economic development; transferring certain administrative authorities from the commerce department to the department of economic development; referring municipal adoption of guidelines for industrial revenue bonds; amending Minnesota Statutes 1980, Section 474.01, Subdivisions 7a, 7b, and by adding subdivisions.

Referred to the Committee on Local Government and Urban Affairs.

Ms. Berglin introduced—

S.F. No. 964: A bill for an act relating to human rights; requiring certain state contractors to have affirmative action plans approved by the commissioner of human rights; amending Minnesota Statutes 1980, Section 363.073; proposing new law coded in Minnesota Statutes, Chapter 363.

Referred to the Committee on Governmental Operations.

Messrs. Knoll, Tennessen, Sikorski and Solon introduced—

S.F. No. 965: A bill for an act relating to health; requiring the commissioner of health to adopt rules; establishing an air quality standard within residential units; prohibiting the sale of residential units which contain unsafe levels of

formaldehyde; requiring a warning on building materials that emit formaldehyde; providing penalties and remedies; appropriating money; amending Minnesota Statutes 1980, Section 8.31, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 325F; repealing Minnesota Statutes 1980, Sections 144.495; and 325F.18.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Solon introduced—

S.F. No. 966: A bill for an act relating to motor vehicles; providing that number plates issued to a vehicle shall be retained by the owner; providing for the transfer of number plates from one vehicle to another vehicle; amending Minnesota Statutes 1980, Sections 168.014; 168.041, Subdivision 7; 168.10, Subdivision 3; 168.11, Subdivision 1; 168.12, Subdivisions 1, 2, and 2a; 168.13; 168.15; 168.16; 168.30; 168.31, Subdivision 3; 168.36, Subdivision 2; 168A.13, Subdivision 3; proposing new law coded in Minnesota Statutes, Chapter 168.

Referred to the Committee on Transportation.

Mr. Solon introduced—

S.F. No. 967: A bill for an act relating to alcoholic beverages; actions by governing bodies on applications for non-intoxicating malt liquor licenses; amending Minnesota Statutes 1980, Section 340.01.

Referred to the Committee on Commerce.

Messrs. Dicklich and Kroening introduced—

S.F. No. 968: A bill for an act relating to unemployment compensation; eliminating the requirement of a waiting period prior to payment of unemployment compensation benefits; amending Minnesota Statutes 1980, Sections 268.08, Subdivision 1; 268.09, Subdivisions 1 and 2; and 268.231.

Referred to the Committee on Employment.

Mr. Dicklich introduced—

S.F. No. 969: A bill for an act relating to unemployment compensation; removing the disqualification from benefits of employees who voluntarily terminate their employment and employees who are engaged in a labor dispute; amending Minnesota Statutes 1980, Section 268.09, Subdivisions 1 and 3.

Referred to the Committee on Employment.

Messrs. Dicklich and Kroening introduced—

S.F. No. 970: A bill for an act relating to unemployment compensation; increasing the amount of earnings not deducted from benefits; amending Minnesota Statutes 1980, Section 268.07, Subdivision 2.

Referred to the Committee on Employment.

Messrs. Dicklich and Kroening introduced—

S.F. No. 971: A bill for an act relating to unemployment compensation;

including retroactive wage awards within the definition of wages for unemployment compensation purposes; amending Minnesota Statutes 1980, Section 268.04, Subdivisions 25, 26, and 29.

Referred to the Committee on Employment.

Messrs. Frederick and Engler introduced—

S.F. No. 972: A bill for an act relating to transportation; providing for the financing of certain services of the department of transportation; adjusting the motor vehicle registration tax on certain vehicles; increasing driver license fees and providing that all fees shall be credited to the trunk highway fund; increasing the tax on gasoline and special fuels; authorizing the issuance of state transportation bonds and appropriating the proceeds for the purpose of providing money for capital improvements comprising construction and reconstruction of key bridges on the trunk highway system, segments of the interstate system and interstate highway substitution projects; amending Minnesota Statutes 1980, Sections 168.011, Subdivisions 7 and 10; 168.013, Subdivisions 1a, 1b, 1c, 1d, 1e, 1h, and 2; 171.02, Subdivision 3; 171.06, Subdivision 2; 171.13, Subdivision 5; 171.26; 174.50, Subdivision 1; and 296.02, Subdivision 1; repealing Minnesota Statutes 1980, Section 168.013, Subdivision 17.

Referred to the Committee on Transportation.

Messrs. Pehler and Davis introduced—

S.F. No. 973: A bill for an act relating to local government; permitting the city council to fix the compensation of the park board in statutory cities; amending Minnesota Statutes 1980, Section 412.501.

Referred to the Committee on Local Government and Urban Affairs.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Mr. Hughes moved that S.F. No. 499 be withdrawn from the Committee on Education and re-referred to the Committee on Finance. The motion prevailed.

Mr. Hughes moved that S.F. No. 725 be withdrawn from the Committee on Education and re-referred to the Committee on Finance. The motion prevailed.

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Thursday, March 26, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TWENTY-SIXTH DAY

St. Paul, Minnesota, Thursday, March 26, 1981

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

Prayer was offered by the Chaplain, Rev. Vernon D. Gundermann.

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

Ashbach	Dicklich	Langseth	Peterson, R.W.	Stern
Bang	Dieterich	Lantry	Petty	Stokowski
Belanger	Engler	Lessard	Pillsbury	Stumpf
Benson	Frank	Lindgren	Purfeerst	Taylor
Berg	Frederick	Luther	Ramstad	Tennessen
Berglin	Frederickson	Moe, D.M.	Renneke	Ulland
Bernhagen	Hanson	Moe, R.D.	Rued	Vega
Bertram	Humphrey	Nelson	Schmitz	Waldorf
Brataas	Johnson	Olhoft	Setzepfandt	Wegener
Chmielewski	Knoll	Pehler	Sieloff	Willet
Dahl	Knutson	Penny	Sikorski	
Davies	Kroening	Peterson, C.C.	Solon	
Davis	Kronebusch	Peterson, D.L.	Spear	

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. Hughes, Keefe, Menning and Merriam were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

March 23, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

On March 23, 1981, the Subcommittee on Committees met and by appropriate action made the following changes to the appointments appearing in the Journal for March 23, 1981.

Pursuant to Minnesota Statutes 1980

Sec. 1.21-1.22 Great Lakes Commission

Mr. Dieterich, replacing Mr. Waldorf

Sec. 3.29 Senate Committee on Interstate Cooperation

Mr. Humphrey (additional appointee)

Sec. 161.1419 Mississippi River Parkway Commission

Mr. Waldorf, replacing Mr. Nelson

Respectfully,

Roger D. Moe, Chairman
Subcommittee on Committees

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. 7 and 8.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 23, 1981

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of five members of the House, on the amendments adopted by the House to the following Senate File:

S. F. No. 366: A bill for an act relating to taxation; providing a new schedule for payment of income taxes withheld from wages; giving temporary rulemaking authority; appropriating money; amending Minnesota Statutes 1980, Section 290.92, Subdivision 6.

There has been appointed as such committee on the part of the House:

Jacobs; Anderson, I.; Tomlinson; Sieben, H. and Dempsey.

Senate File No. 366 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 23, 1981

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 189, 269, 330, 410, 432, 91, 277, 395, 436, 462, 434, 521 and 525.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 23, 1981

FIRST READING OF HOUSE BILLS

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

H. F. No. 189: A bill for an act relating to governmental operations; pro-

hibiting the use of state government vehicles for nongovernmental functions; prohibiting compensation of employees for use of personal vehicles for nongovernmental purposes; amending Minnesota Statutes 1980, Section 16.753.

Referred to the Committee on Governmental Operations.

H. F. No. 269: A bill for an act relating to elections; allowing a candidate to transport parents of the candidate or the candidate's spouse to or from the polls; amending Minnesota Statutes 1980, Section 210A.13, Subdivision 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 216, now on the Calendar.

H. F. No. 330: A bill for an act relating to Independent School District No. 625; providing for times of election and terms of office; amending Laws 1965, Chapter 705, Section 1, Subdivision 2, as amended.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 262.

H. F. No. 410: A bill for an act relating to public welfare; authorizing the commissioner of public welfare to designate the county of financial responsibility for patients transferred under the Interstate Compact on Mental Health who are not residents of Minnesota; amending Minnesota Statutes 1980, Section 245.52.

Referred to the Committee on Health, Welfare and Corrections.

H. F. No. 432: A bill for an act relating to elections; eliminating the party primary ten percent requirement; amending Minnesota Statutes 1980, Sections 202A.23, Subdivision 2; and 202A.41, Subdivision 2; repealing Minnesota Statutes 1980, Section 202A.41, Subdivision 3.

Referred to the Committee on Elections and Reapportionment.

H. F. No. 91: A bill for an act relating to public safety; specifying the crime of fleeing from a peace officer by use of a motorized vehicle; providing that whoever flees a peace officer in a motorized vehicle shall be liable for any loss caused by such flight; prescribing penalties; proposing new law coded in Minnesota Statutes, Chapters 65B and 609.

Referred to the Committee on Judiciary.

H. F. No. 277: A bill for an act relating to insurance; broadening the investment authority of township mutual insurance companies; prescribing recordkeeping duties; providing remedies; proposing new law coded in Minnesota Statutes, Chapter 67A; repealing Minnesota Statutes 1980, Sections 67A.23 and 67A.24.

Referred to the Committee on Commerce.

H. F. No. 395: A bill for an act relating to state government; allowing other public employees, as well as spouses of state and other public employees, to participate in state employee van pools under certain circumstances; amending Minnesota Statutes 1980, Section 16.756, by adding a subdivision.

Referred to the Committee on Transportation.

H. F. No. 436: A bill for an act relating to financial institutions; setting application fees for industrial loan and thrifts; providing for publication of

notices; establishing procedures for consideration of applications for consent to sell and issue certificates; increasing the minimum amounts for insurance of accounts; amending Minnesota Statutes 1980, Sections 53.03, Subdivision 1, and by adding subdivisions; and 53.10, Subdivision 1.

Referred to the Committee on Commerce.

H. F. No. 462: A bill for an act relating to commerce; requiring invoices on certain repairs; amending Minnesota Statutes 1980, Sections 325F.60; and 325F.64.

Referred to the Committee on Commerce.

H. F. No. 434: A bill for an act relating to motor vehicles; increasing the period of time for which number plates may be issued for certain vehicles and adjusting the tax accordingly; providing for the issuance of single dealer plates; amending Minnesota Statutes 1980, Sections 168.013, Subdivisions 1c and 1e; 168.12, Subdivisions 1 and 2a; 168.27, Subdivisions 16 and 17; 169.79, and 297B.035, Subdivision 2.

Referred to the Committee on Transportation.

H. F. No. 521: A bill for an act relating to transportation; including motels within the specific information signing program; amending Minnesota Statutes 1980, Sections 160.292; 160.293, Subdivisions 1, 2, and 3; and 160.295, Subdivision 3.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 370, now on General Orders.

H. F. No. 525: A bill for an act relating to agriculture; limiting the applicability and changing the size of county extension committees; amending Minnesota Statutes 1980, Section 38.36.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 350, now on General Orders.

REPORTS OF COMMITTEES

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

Mr. Stumpf from the Committee on Elections and Reapportionment, to which was referred

S. F. No. 550: A bill for an act relating to education; changing the time period for filing an application to be placed on the ballot for board elections; amending Minnesota Statutes 1980, Section 123.32, Subdivision 4.

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

Mr. Stumpf from the Committee on Elections and Reapportionment, to which was referred

S. F. No. 401: A bill for an act relating to elections; changing certain procedures and the effect of absentee ballots; amending Minnesota Statutes 1980, Section 207.05, Subdivision 1; proposing new law coded in Minnesota

Statutes, Chapter 207.

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

Page 2, line 9, delete "*noon*" and insert "*the close of business*"

Page 2, line 10, before the period, insert "*and two or more election judges from the county selected by the county auditor in accordance with section 204A.18*"

Page 2, line 10, after the period, insert "*The absentee ballots arriving at the office of the county auditor shall be kept in a secure place and shall be counted at the close of business on Thursday in a place open to the public. The absentee ballots shall be received and counted in accordance with section 207.11, except*"

Page 2, line 10 delete "*these absentee*" and insert "*the*"

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

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

S. F. No. 699: A bill for an act relating to transportation; authorizing the commissioner of transportation to act as agent for political subdivisions for the construction of roads and bridges under certain circumstances; amending Minnesota Statutes 1980, Section 161.36, Subdivision 3.

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

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

S. F. No. 525: A bill for an act relating to advertising devices; requiring compensation for removing certain devices; providing for maintenance of areas; amending Minnesota Statutes 1980, Section 173.17; proposing new law coded in Minnesota Statutes, Chapter 173.

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

Page 2, line 32, after "*chapter*" insert ", *including section 173.20*"

Page 3, line 20, after "*not*" insert "*unreasonably obstruct the view*"

Page 3, delete line 21

Page 3, line 22, delete everything before "*of*"

Page 3, line 23, after "*173*" insert "*when placing or maintaining plantings on the right-of-way*"

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

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

S. F. No. 536: A bill for an act relating to local government; providing for the board membership and powers of the Moose Lake and Windemere area sanitary sewer district; amending Laws 1974, Chapter 400, Section 3, Sub-

division 12, as amended; and Section 4, Subdivision 2, as amended; repealing Laws 1974, Chapter 400, Section 8, Subdivision 5, as amended.

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

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

S. F. No. 788: A bill for an act relating to local government; permitting agreements for compensation for transfers of taxable property in certain annexations; proposing new law coded in Minnesota Statutes, Chapter 414.

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

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

S. F. No. 558: A bill for an act relating to the city of Robbinsdale; providing that certain tax increment backed bond issues shall be exempt from net debt limits.

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

Page 1, line 10, delete everything after the comma and insert "*the deductions in*"

Page 1, line 12, before "*the*" insert "*shall include*"

Page 1, line 17, after "*effective*" insert "*upon*"

Page 1, line 17, delete everything after "*day*"

Page 1, delete line 18

Page 1, line 19, delete "*Robbinsdale in*"

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

Mr. Stumpf from the Committee on Elections and Reapportionment, to which was referred

S. F. No. 639: A bill for an act relating to metropolitan government; requiring that metropolitan council districts be apportioned after the 1980 federal census; amending Minnesota Statutes 1980, Section 473.123, Subdivision 2.

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

Page 1, line 18, delete "*districts*" and insert "*district boundaries*"

Page 1, line 18, delete "*newly apportioned*" and insert " *redrawn*"

Page 1, line 19, after "*census*" insert "*and each federal census thereafter*"

Page 1, line 20, after the period, insert "*The redistricting shall be completed by December 31 in the year of each decade ending in the numeral "2".* "

Page 1, line 21, delete "*apportioned*" and insert "*drawn*"

Page 1, line 21, before the period insert "*after each redistricting*"

Page 1, line 21, after "*Those*" insert "*members appointed after the redistricting following the 1980 federal census*"

Page 2, line 1, before the period, insert "*or until a subsequent redistricting. The legislature shall provide for staggered terms of the council members in each subsequent redistricting plan*"

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

Mr. Stumpf from the Committee on Elections and Reapportionment, to which was referred

S. F. No. 136: A bill for an act relating to elections; changing compensation of certain election judges; amending Minnesota Statutes 1980, Section 204A.23.

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

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

S. F. No. 107: A bill for an act relating to taxation; income tax; providing a credit for contributions to institutions of higher education; proposing new law coded in Minnesota Statutes, Chapter 290.

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

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

S. F. No. 262: A bill for an act relating to Independent School District No. 625; providing for times of election and terms of office; amending Laws 1965, Chapter 705, Section 1, Subdivision 2, as amended.

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

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

S. F. No. 527: A bill for an act relating to education; specifying the authority of a school board for selection and employment of a superintendent; amending Minnesota Statutes 1980, Section 123.34, Subdivision 9.

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

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 110: A bill for an act relating to health maintenance organizations; declaring legislative intent and public policy favoring childbirth over abortion; eliminating any requirements that health maintenance organizations provide elective, induced abortions; requiring the organizations to notify enrollees if elective, induced abortions are added to or eliminated from coverage; amending Minnesota Statutes 1980, Sections 62D.01, by adding a subdivision; 62D.02, Subdivision 7; 62D.07, Subdivision 4; 62D.20; and 62D.22, Subdivision 5.

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

follows:

Page 1, delete section 1

Page 2, lines 2, 23, and 27, after "*organization*" insert " *affiliated with a religious hospital or institution*"

Page 2, delete section 3

Page 2, line 35, delete "*health or*"

Page 3, after line 3, insert:

"Sec. 4. [EFFECTIVE DATE.]

Application of sections 1 to 3 is effective for all health maintenance organization contracts issued or renewed after August 1, 1981."

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete line 3

Page 1, line 4, delete everything before "eliminating"

Page 1, line 5, after "that" insert "certain"

Page 1, line 6, delete "requiring the"

Page 1, delete lines 7 and 8

Page 1, line 9, delete "62D.01, by"

Page 1, line 10, delete everything before "62D.02" and delete "62D.07,"

Page 1, line 11, delete "Subdivision 4;"

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

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

S. F. No. 588: A bill for an act proposing an amendment to the Minnesota Constitution, Article XIV, Section 11; removing certain restrictions on highway bonds.

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

Page 1, lines 13 and 14, reinstate the stricken language

Page 1, line 14, strike "$150,000,000" and insert " *$440,000,000*"

Page 2, line 3, delete "*restrictions*" and insert "*the five percent restriction*"

Page 2, line 3, after "*and*" insert "*to establish a new limit on*"

Amend the title as follows:

Page 1, line 3, delete "removing" and insert "revising"

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

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

S. F. No. 301: A bill for an act relating to education; changing a reference to the provisions governing the student loan program; allowing parents of eligible students to obtain loans through the student loan program; increasing the bonding authority of the higher education coordinating board; expanding the career guidance program; transferring responsibility for certain portions of the statewide testing program; providing exclusive property rights in certain records; abolishing tuition subsidies for post-secondary vocational-technical school students; providing for certification of status of tuition subsidy recipients; amending Minnesota Statutes 1980, Sections 136A.141; 136A.15, by adding a subdivision; 136A.16, Subdivisions 3 and 4; 136A.17, Subdivisions 1, 4, 5, 7, and 10; 136A.171; 136A.85; 136A.86, Subdivisions 2, 3, and by adding a subdivision; repealing Minnesota Statutes 1980, Section 136A.236.

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 1980, Section 136A.141, is amended to read:

136A.141 [STUDENT LOAN PROGRAM.]

The higher education coordinating board ~~is authorized and directed to~~ *shall* establish and supervise ~~a~~ *one or more* student loan ~~program~~ *programs* in accordance with the provisions of ~~Minnesota Statutes 1971,~~ sections 136A.14 to 136A.17.

Sec. 2. Minnesota Statutes 1980, Section 136A.15, Subdivision 7, is amended to read:

Subd. 7. "Eligible student" means a student who is officially registered or accepted for enrollment at an eligible institution in Minnesota or a Minnesota resident who is officially registered as a student or accepted for enrollment at an eligible institution in another state. *Eligible student, except for purposes of section 136A.161, includes parents of an eligible student as the term "parent" is defined in the higher education act of 1965, as amended, and the regulations promulgated thereunder.*

Sec. 3. Minnesota Statutes 1980, Section 136A.16, Subdivision 3, is amended to read:

Subd. 3. The board ~~shall be authorized to~~ *may* make loans in amounts not to exceed the maximum amount provided in the higher education act of 1965 and any amendments thereof ~~and~~. The board ~~shall be authorized to~~ *may* establish procedures determining the loan amounts for which students are eligible.

Sec. 4. Minnesota Statutes 1980, Section 136A.16, Subdivision 4, is amended to read:

Subd. 4. The board ~~shall have the right to~~ *may* contract with or ~~to~~ enter into agreements with eligible lenders for ~~purposes~~ *the purpose* of making loans to ~~residents~~ *eligible students* in accordance with the policies~~,~~ *and* rules~~, and regulations~~ of the board.

Sec. 5. Minnesota Statutes 1980, Section 136A.16, is amended by adding a subdivision to read:

Subd. 13. Before implementing a loan program for parents as defined in

section 2, the board shall obtain approval from the legislative advisory commission.

Sec. 6. Minnesota Statutes 1980, Section 136A.17, Subdivision 1, is amended to read:

Subdivision 1. ~~Eligibility of student borrowers: An applicant~~ *A student* shall be eligible to apply for a loan under the provisions of sections 136A.14 to 136A.17 if the board finds that ~~he~~ *the student* is an eligible student as defined in those sections and is eligible for a loan under federal *laws and* regulations governing the ~~federally insured~~ *federal guaranteed* student loan program.

Sec. 7. Minnesota Statutes 1980, Section 136A.17, Subdivision 4, is amended to read:

Subd. 4. No loan shall be made in excess of the maximum provided by pertinent federal laws and regulations ~~and~~. The aggregate unpaid principal amount of loans to any individual student shall not exceed the maximum provided in pertinent federal laws and regulations.

Sec. 8. Minnesota Statutes 1980, Section 136A.17, Subdivision 10, is amended to read:

Subd. 10. The board ~~is authorized to~~ *may* establish variable repayment schedules consistent with the need and anticipated income streams of ~~student~~ borrowers ~~provided that such~~. *The* repayment schedules shall not violate the federal laws and regulations governing ~~federally insured~~ *federal guaranteed* ~~students~~ *student* loan programs.

Sec. 9. Minnesota Statutes 1980, Section 136A.171, is amended to read:

136A.171 [REVENUE BONDS; ISSUANCE; PROCEEDS.]

The higher education coordinating board may issue revenue bonds to obtain funds for loans made in accordance with the provisions of this chapter. The aggregate amount of revenue bonds, issued directly by the board, outstanding at any one time, not including refunded bonds or otherwise defeased or discharged bonds, shall not exceed ~~$300,000,000~~ *$550,000,000*. Proceeds from the issuance of bonds may be held and invested by the board pending disbursement in the form of loans. All interest and profits from ~~such~~ *the* investments shall inure to the benefit of the board and shall be available to the board for the same purposes as the proceeds from the sale of revenue bonds including, but not limited to, costs incurred in administering loans under this chapter and loan reserve funds.

Sec. 10. Minnesota Statutes 1980, Section 136A.85, is amended to read:

136A.85 [CAREER GUIDANCE PROGRAM; ESTABLISHMENT.]

The Minnesota higher education coordinating board shall establish for all eleventh grade students in the state who desire to participate, a statewide *career* guidance, testing ~~and~~, information *and planning* program designed to:

(a) Assist students to make career plans and decisions regarding post-secondary education, training and goals;

(b) Assist high school, college and vocational institute counselors in their work with students;

(c) Assist Minnesota colleges and vocational institutes to identify students

for whose talents, interests and needs they have appropriate programs;

(d) Assist colleges and scholarship agencies to select from applicants those who show the most promise of benefiting from particular programs;

(e) Provide educators, state planners and policy makers in the state a continuous inventory of the talents, plans, needs and other characteristics of students in individual educational institutions, in educational systems, and in the state as a whole; and

(f) Assist educators, state planners and policy makers to develop improved educational measures and counseling tools.

Sec. 11. Minnesota Statutes 1980, Section 136A.86, Subdivision 2, is amended to read:

Subd. 2. The board shall periodically review and evaluate the statewide *career* guidance, testing ~~and~~, information *and planning* program and report to the governor and legislature the program status and the board's recommendations for legislation to improve the program.

Sec. 12. Minnesota Statutes 1980, Section 136A.86, Subdivision 3, is amended to read:

Subd. 3. The board ~~shall~~ *may* contract with the University of Minnesota ~~to administer the program. The university of Minnesota may contract with~~ *and* other testing agencies and suppliers to obtain instruments or services needed to operate the program.

Sec. 13. Minnesota Statutes 1980, Section 136A.86, is amended by adding a subdivision to read:

Subd. 4. Any data, reports, studies, tapes, or other documents prepared by contractors for the board under this program shall be the exclusive property of the board, and those materials shall be remitted to the board upon completion, termination, or cancellation of any contract or agreement with the board.

Sec. 14. [CERTIFICATION.]

The Minnesota higher education coordinating board and the state board for vocational education shall develop, before February 1, 1982, the necessary procedures to provide that the essential financial needs of students who have been recipients of tuition subsidies pursuant to section 136A.236 are met through the provisions of sections 136A.09 to 136A.131.

Sec. 15. [EFFECTIVE DATE.]

Sections 1 to 14 are effective the day following final enactment."

Amend the title as follows:

Page 1, delete line 4

Page 1, line 5, delete "through the student" and insert "including parents within the definition of eligible student for guaranteed student loan purposes; requiring the higher education coordinating board to receive approval prior to implementing a parent"

Page 1, delete line 8

Page 1, line 9, delete "the statewide testing program;"

Page 1, line 10, delete "abolishing tuition"

Page 1, delete line 11

Page 1, line 12, delete "school students;"

Page 1, line 12, delete "certification of status" and insert "development of procedures by the higher education coordinating board and the state board for vocational education"

Page 1, line 13, delete "of tuition subsidy recipients"

Page 1, line 14, delete "by adding a"

Page 1, line 15, delete "subdivision" and insert "Subdivision 7"

Page 1, line 15, after "4" insert ", and by adding a subdivision"

Page 1, line 16, delete "5, 7,"

Page 1, line 18, delete "; repealing Minnesota Statutes 1980," and insert a period

Page 1, delete line 19

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

Mr. Hughes from the Committee on Education, to which were referred the following appointments as reported in the Journal for March 12, 1981:

STATE UNIVERSITY BOARD

Dale A. Johnson
Arnold C. Anderson
Lee J. Krueger
John W. Borg
Rodney N. Searle
Bernard A. Miller
Elizabeth A. Pegues

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

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

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred the following appointment as reported in the Journal for February 16, 1981:

MINNESOTA ENVIRONMENTAL QUALITY BOARD

Dr. C. Edward Buchwald

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

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

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

was referred

H. F. No. 183 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.
				183	139

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. 157 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
157	332				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 157 be amended as follows:

Page 1, line 20, delete "*and shall notify the minor that the report has been made*"

And when so amended H. F. No. 157 will be identical to S. F.No. 332, and further recommends that H. F. No. 157 be given its second reading and substituted for S. F. No. 332, 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. 550, 401, 699, 525, 536, 788, 558, 639, 136, 262, 527 and 110 were read the second time.

SECOND READING OF HOUSE BILLS

H. F. Nos. 183 and 157 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Ashbach moved that the name of Mr. Frank be added as co-author to Senate Resolution No. 33. The motion prevailed.

Mr. Ashbach moved that the name of Mr. Frank be added as co-author to

Senate Resolution No. 34. The motion prevailed.

Mr. Purfeerst moved that the name of Mr. Ashbach be stricken and that the name of Mr. Lindgren be added as co-author to S. F. No. 247. The motion prevailed.

Mr. Sikorski moved that the name of Mr. Chmielewski be added as co-author to S. F. No. 697. The motion prevailed.

Mr. Lessard moved that S. F. No. 746 be withdrawn from the Committee on Education and re-referred to the Committee on Local Government and Urban Affairs. The motion prevailed.

Mr. Bertram moved that the name of Mr. Dahl be added as co-author to S. F. No. 851. The motion prevailed.

Mr. Ulland moved that the name of Mr. Solon be added as co-author to S. F. No. 909. The motion prevailed.

Mr. Dahl moved that the name of Mr. Frank be added as co-author to S. F. No. 929. The motion prevailed.

Mr. Petty moved that the name of Mr. Frank be added as co-author to S. F. No. 937. The motion prevailed.

Mr. Johnson moved that the name of Mr. Frank be added as co-author to S. F. No. 949. The motion prevailed.

Ms. Berglin moved that the name of Mr. Merriam be added as co-author to S. F. No. 952. The motion prevailed.

Mr. Dicklich moved that the name of Mr. Johnson be added as co-author to S. F. No. 968. The motion prevailed.

Mr. Dicklich moved that the name of Mr. Johnson be added as co-author to S. F. No. 969. The motion prevailed.

Mr. Dicklich moved that the name of Mr. Johnson be added as co-author to S. F. No. 970. The motion prevailed.

Mr. Dicklich moved that the name of Mr. Johnson be added as co-author to S. F. No. 971. The motion prevailed.

Mr. Chmielewski moved that H. F. No. 470 be withdrawn from the Committee on General Legislation and Administrative Rules and re-referred to the Committee on Rules and Administration for comparison with S. F. No. 439, now on the Consent Calendar. The motion prevailed.

Mr. Rued introduced—

Senate Resolution No. 36: A Senate resolution congratulating the Raiderettes girls basketball team from Brainerd Community College for winning the 1981 Minnesota Community College Conference Tournament Championship.

Referred to the Committee on Rules and Administration.

Mr. Lessard introduced—

Senate Resolution No. 37: A Senate resolution extending congratulations to

Erin Roth for being selected as a member of the All American Hockey Team.

Referred to the Committee on Rules and Administration.

Mr. Peterson, D.L. introduced—

Senate Resolution No. 38: A Senate resolution congratulating the Scarlet Knights team from Heron Lake-Okabena High School for winning the 1981 Class A State High School Girls Basketball Championship.

Referred to the Committee on Rules and Administration.

Mr. Merriam introduced—

Senate Resolution No. 39: A Senate resolution congratulating the Cardinals girls basketball team from Coon Rapids High School for winning the 1981 Class AA State High School Girls Basketball Championship.

Referred to the Committee on Rules and Administration.

Mr. Johnson moved that S. F. No. 558 be stricken from General Orders and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

RECESS

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

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

APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

S. F. No. 247: Messrs. Purfeerst, Bang and Stern.

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

CALENDAR

H. F. No. 496: A bill for an act relating to intoxicating liquor; proof required to purchase, possess or consume; amending Minnesota Statutes 1980, Section 340.039.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Brataas	Frank	Lantry	Peterson, C.C.
Bang	Chmielewski	Frederick	Lindgren	Peterson, D.L.
Belanger	Dahl	Frederickson	Luther	Peterson, R.W.
Benson	Davies	Hanson	Moe, D.M.	Petty
Berg	Davis	Johnson	Moe, R.D.	Pillsbury
Berglin	Dicklich	Knutson	Nelson	Purfeerst
Bernhagen	Dieterich	Kronebusch	Olhoft	Ramstad
Bertram	Engler	Langseth	Penny	Renneke

Rued	Solon	Stumpf	Ulland	Wegener
Schmitz	Spear	Taylor	Vega	Willet
Setzepfandt	Stern	Tennessen	Waldorf	
Sieloff	Stokowski			

So the bill passed and its title was agreed to.

H. F. No. 77: A bill for an act relating to mobile home parks; eliminating certain mobile home park reports made to the secretary of state; repealing Minnesota Statutes 1980, Section 327.29.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Ashbach	Davis	Langseth	Peterson, R.W.	Stern
Bang	Dicklich	Lantry	Petty	Stokowski
Belanger	Dieterich	Lindgren	Pillsbury	Stumpf
Benson	Engler	Luther	Purfeerst	Taylor
Berg	Frank	Moe, D.M.	Ramstad	Tennessen
Berglin	Frederick	Moe, R.D.	Renneke	Ulland
Bernhagen	Frederickson	Nelson	Rued	Vega
Bertram	Hanson	Olhoft	Schmitz	Waldorf
Brataas	Johnson	Pehler	Setzepfandt	Wegener
Chmielewski	Knutson	Penny	Sieloff	Willet
Dahl	Kroening	Peterson, C.C.	Solon	
Davies	Kronebusch	Peterson, D.L.	Spear	

So the bill passed and its title was agreed to.

S. F. No. 11: A bill for an act relating to liens; increasing the amount of an employee's lien for wages; amending Minnesota Statutes 1980, Section 514.59.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 50 and nays 6, as follows:

Those who voted in the affirmative were:

Bang	Dieterich	Lindgren	Petty	Spear
Belanger	Engler	Luther	Pillsbury	Stern
Benson	Frank	Moe, D.M.	Purfeerst	Stokowski
Berg	Frederickson	Moe, R.D.	Ramstad	Stumpf
Berglin	Hanson	Nelson	Renneke	Taylor
Bertram	Johnson	Olhoft	Rued	Tennessen
Chmielewski	Kroening	Pehler	Schmitz	Ulland
Dahl	Kronebusch	Penny	Setzepfandt	Vega
Davies	Langseth	Peterson, C.C.	Sieloff	Waldorf
Davis	Lantry	Peterson, R.W.	Solon	Willet

Those who voted in the negative were:

Ashbach	Brataas	Frederick	Knutson	Peterson, D.L.
Bernhagen				

So the bill passed and its title was agreed to.

CONSENT CALENDAR

H. F. No. 38: A bill for an act relating to local government; permitting the

city of Northfield to make payments to the town of Waterford as a condition of an annexation.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Davis	Langseth	Peterson, D.L.	Solon
Bang	Dicklich	Lantry	Peterson, R.W.	Spear
Belanger	Dieterich	Lessard	Petty	Stern
Benson	Engler	Lindgren	Pillsbury	Stokowski
Berg	Frank	Luther	Purfeerst	Stumpf
Berglin	Frederick	Moe, D.M.	Ramstad	Taylor
Bernhagen	Frederickson	Moe, R.D.	Renneke	Ulland
Bertram	Hanson	Nelson	Rued	Vega
Brataas	Johnson	Olhoft	Schmitz	Waldorf
Chmielewski	Knutson	Pehler	Setzepfandt	Wegener
Dahl	Kroening	Penny	Sieloff	Willet
Davies	Kronebusch	Peterson, C.C.	Sikorski	

So the bill passed and its title was agreed to.

S. F. No. 502: A bill for an act relating to public welfare; modifying certain provisions regarding continued eligibility for medical assistance; amending Minnesota Statutes 1980, Section 256B.062.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Ashbach	Davis	Langseth	Peterson, D.L.	Solon
Bang	Dicklich	Lantry	Peterson, R.W.	Spear
Belanger	Dieterich	Lessard	Petty	Stern
Benson	Engler	Lindgren	Pillsbury	Stokowski
Berg	Frank	Luther	Purfeerst	Stumpf
Berglin	Frederick	Moe, D.M.	Ramstad	Taylor
Bernhagen	Frederickson	Moe, R.D.	Renneke	Tennessen
Bertram	Hanson	Nelson	Rued	Ulland
Brataas	Johnson	Olhoft	Schmitz	Vega
Chmielewski	Knutson	Pehler	Setzepfandt	Waldorf
Dahl	Kroening	Penny	Sieloff	Wegener
Davies	Kronebusch	Peterson, C.C.	Sikorski	Willet

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Ms. Berglin in the chair.

After some time spent therein, the committee arose, and Ms. Berglin reported that the committee had considered the following:

S. F. No. 96, which the committee recommends to pass.

H. F. No. 44, which the committee recommends to pass with the following

amendment offered by Mr. Dieterich:

Page 1, after line 14, insert:

"Sec. 2. Minnesota Statutes 1980, Section 144.56, is amended by adding a subdivision to read:

Subd. 2a. The commissioner shall not adopt any rule which unconditionally prohibits double beds in a boarding care home. The commissioner may adopt rules setting criteria for when double beds will be allowed.

Sec. 3. Minnesota Statutes 1980, Section 144A.04, is amended by adding a subdivision to read:

Subd. 3a. The commissioner shall not adopt any rule which unconditionally prohibits double beds in a nursing home. The commissioner may adopt rules setting criteria for when double beds will be allowed."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete "Section" and insert "Sections 144.56, by adding a subdivision; 144A.04, by adding a subdivision; and"

The motion prevailed. So the amendment was adopted.

H. F. No. 45, which the committee recommends to pass with the following amendment offered by Mr. Dieterich:

Page 1, after line 11, insert:

"Sec. 2. Minnesota Statutes 1980, Section 144A.04, is amended by adding a subdivision to read:

Subd. 2a. The commissioner shall not adopt any rule unconditionally prohibiting locks on patient room doors in nursing homes. The commissioner may adopt a rule requiring locks to be consistent with the applicable rules enforced by the state fire marshal."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, before the period, insert "; amending Minnesota Statutes 1980, Section 144A.04, by adding a subdivision"

The motion prevailed. So the amendment was adopted.

On motion of Ms. Berglin, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS

SUSPENSION OF RULES

Mr. Moe, R.D. moved that temporary Joint Rule 2.06 be suspended as to the printing requirement for the Conference Committee Report on S.F. No. 366.

The motion prevailed.

S. F. No. 366 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S. F. NO. 366

A bill for an act relating to taxation; providing a new schedule for payment of income taxes withheld from wages; giving temporary rulemaking authority; appropriating money; amending Minnesota Statutes 1980, Section 290.92, Subdivision 6.

March 26, 1981

The Honorable Jack Davies
President of the Senate

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 366, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments, and that S.F. No. 366 be amended as follows:

Page 2, line 26, after "*$200,*" insert "*or beginning January 1, 1982, $500,*"

Page 7, delete sections 3 and 4

Page 7, lines 22 and 23, delete "*Sections 2, 3 and 4 are*" and insert "*Section 2 is*"

Renumber the sections

Amend the title as follows:

Page 1, line 4, delete "appropriating money;"

We request adoption of this report and repassage of the bill.

Senate Conferees: (Signed) Roger Moe, Douglas J. Johnson, Ron Sieloff, Mel Frederick, Marvin Hanson

House Conferees: (Signed) Joel Jacobs, Terry Dempsey, Harry A. Sieben, Jr.

Mr. Moe, R. D. moved that the foregoing recommendations and Conference Committee Report on S. F. No. 366 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S. F. No. 366 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 49 and nays 7, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Langseth	Peterson, C.C.	Sikorski
Bang	Frank	Lantry	Peterson, D.L.	Solon
Belanger	Frederickson	Lessard	Petty	Spear
Benson	Hanson	Lindgren	Pillsbury	Stern
Berglin	Humphrey	Luther	Purfeerst	Stokowski
Bertram	Johnson	Moe, D.M.	Renneke	Taylor
Chmielewski	Knoll	Moe, R.D.	Rued	Ulland
Dahl	Knutson	Nelson	Schmitz	Waldorf
Davis	Kroening	Pehler	Setzepfandt	Willet
Dicklich	Kronebusch	Penny	Sieloff	

Those who voted in the negative were:

Berg	Dieterich	Peterson, R.W.	Stumpf	Tennessen
Davies	Olhoft			

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Peterson, C.C.; Renneke and Frederickson introduced—

S.F. No. 974: A bill for an act relating to retirement; reducing a certain deduction from amounts available to pay post-retirement adjustments; appropriating funds; amending Minnesota Statutes 1980, Section 11A.18, Subdivision 9.

Referred to the Committee on Public Employees and Pensions.

Messrs. Peterson, C.C.; Ashbach; Petty; Menning and Benson introduced—

S.F. No. 975: A bill for an act relating to commerce; eliminating the state override of the federal usury preemption on certain loans; repealing Minnesota Statutes 1980, Section 47.203.

Referred to the Committee on Commerce.

Ms. Berglin, Messrs. Dicklich and Solon introduced—

S.F. No. 976: A bill for an act relating to health; prescribing periods of retention for hospital medical records; amending Minnesota Statutes 1980, Section 145.32.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Chmielewski introduced—

S.F. No. 977: A bill for an act relating to the housing finance agency; altering the formula for distribution of funds through a housing program offering assistance to Indians; amending Minnesota Statutes 1980, Section 462A.21, Subdivision 10.

Referred to the Committee on Energy and Housing.

Mr. Chmielewski introduced—

S.F. No. 978: A bill for an act relating to workers' compensation; changing the funding for administrative expenses related to the special compensation fund; amending Minnesota Statutes 1980, Section 176.131, Subdivision 10.

Referred to the Committee on Employment.

Messrs. Menning, Rued and Nichols introduced—

S.F. No. 979: A bill for an act relating to agriculture; eliminating the requirement for anaplasmosis testing of breeding cattle; repealing Minnesota Statutes 1980, Section 35.251.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Vega and Engler introduced—

S.F. No. 980: A bill for an act relating to state lands; providing for the transfer of certain lands to the city of Hastings.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Spear; Moe, D.M.; Renneke; Frederickson and Peterson, C.C. introduced—

S.F. No. 981: A bill for an act relating to retirement; Minneapolis teachers retirement fund association; authorizing the establishment of a lump sum post retirement adjustment program; authorizing service credit for parental leaves.

Referred to the Committee on Public Employees and Pensions.

Messrs. Pehler and Davis introduced—

S.F. No. 982: A bill for an act relating to the city of St. Cloud; authorizing the improvement and operation of the city-owned Mississippi River dam to provide for generation and transmission of hydroelectric power, and the issuance of revenue bonds to finance the project.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Moe, D.M.; Renneke and Spear introduced—

S.F. No. 983: A bill for an act relating to retirement; making various administrative changes in the teachers retirement law; authorizing a medical advisor; payment of shortages in member deductions; amending Minnesota Statutes 1980, Sections 354.091; 354.092; 354.44, Subdivisions 4 and 8; 354.48, Subdivisions 2, 4, and by adding a subdivision; 354.51, Subdivision 5; 354.52, Subdivision 4; and 354.62, Subdivisions 4 and 5.

Referred to the Committee on Public Employees and Pensions.

Messrs. Ulland, Merriam, Bernhagen, Nichols and Setzepfandt introduced—

S.F. No. 984: A bill for an act relating to game and fish; increasing game and

fish licenses and other fees; amending Minnesota Statutes 1980, Sections 98.46, Subdivisions 2, 2a, 3, 4, 5, 5a, 6, 7, 8, 9, 9a, 10, 11, 12, 14, 15, 16, 17, 18, and 19; 99.28, Subdivision 5; 100.35, Subdivisions 1 and 5; and 101.44.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Peterson, R.W.; Hanson and Merriam introduced—

S.F. No. 985: A bill for an act relating to crimes; providing for the type of proof of the fact of killing in murder and manslaughter cases; amending Minnesota Statutes 1980, Section 634.051.

Referred to the Committee on Judiciary.

Messrs. Wegener; Peterson, D.L.; Petty and Olhoft introduced—

S.F. No. 986: A bill for an act relating to corrections; providing for sheriffs expenses incurred in conveying convicts to correctional facilities; amending Minnesota Statutes 1980, Section 243.17, Subdivision 1.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Peterson, R.W. and Davies introduced—

S.F. No. 987: A bill for an act relating to public dancing places; repealing law requiring public dancing places to be brightly illuminated; repealing Minnesota Statutes 1980, Section 624.48.

Referred to the Committee on Judiciary.

Messrs. Tennessen, Ramstad, Stern and Davies introduced—

S.F. No. 988: A bill for an act relating to fire insurance; allowing an application to be introduced as evidence; requiring that the insured in case of loss shall show the damaged property and related records to the company and consent to be examined under oath; permitting reduction of the amount to be paid in case of loss if the building is not repaired or replaced; providing for a two-way exchange of information on fire loss or potential fire loss between insurance companies and authorized persons; amending Minnesota Statutes 1980, Sections 65A.01, Subdivisions 3 and 5; 65A.08, Subdivision 2; 299F.054, Subdivision 1, and by adding a subdivision.

Referred to the Committee on Commerce.

Mr. Penny introduced—

S.F. No. 989: A bill for an act relating to taxation; providing that interest on estate tax should begin to accrue 18 months after the death of the decedent; providing that the purchase price of a motor vehicle for purposes of the motor vehicle excise tax shall be reduced by the trade-in value of any personal property taken in part payment; amending Minnesota Statutes 1980, Sections 291.131, Subdivision 6; 291.132, Subdivision 1; 291.15; 291.18; and 297B.01, Subdivision 8.

Referred to the Committee on Taxes and Tax Laws.

Mr. Knoll introduced—

S.F. No. 990: A bill for an act relating to charitable trusts; transferring responsibility of keeping certain records; amending Minnesota Statutes 1980, Sections 501.75; 501.76; 501.77; and 501.78, Subdivision 4.

Referred to the Committee on Governmental Operations.

Mr. Knoll introduced—

S.F. No. 991: A bill for an act relating to social and charitable organizations; increasing the threshold dollar amount required for the use of a certified financial statement; determining what is properly included in cost of goods or services; amending Minnesota Statutes 1980, Sections 309.53, Subdivision 3; and 309.555, Subdivision 2.

Referred to the Committee on Governmental Operations.

Mr. Peterson, C.C. introduced—

S.F. No. 992: A bill for an act relating to taxation; abolishing the income tax credit for premium taxes paid by insurance companies; amending Minnesota Statutes 1980, Section 290.06, Subdivision 3f.

Referred to the Committee on Taxes and Tax Laws.

Mr. Peterson, C.C. introduced—

S.F. No. 993: A bill for an act relating to children; authorizing counties to establish multidisciplinary child protection teams; proposing new law coded in Minnesota Statutes, Chapter 626.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Setzepfandt, Keefe, Chmielewski and Ashbach introduced—

S.F. No. 994: A bill for an act relating to taxation; sales; exempting sales of road building materials used in road construction and maintenance; amending Minnesota Statutes 1980, Section 297A.25, Subdivision 1; repealing Minnesota Statutes 1980, Section 297A.25, Subdivision 4.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Ulland, Chmielewski, Wegener and Solon introduced—

S.F. No. 995: A bill for an act relating to commerce; providing for compensation for certain actions of political subdivisions regarding licensed private waste collectors, processors, or disposers; proposing new law coded in Minnesota Statutes, Chapter 115A.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Pehler introduced—

S.F. No. 996: A bill for an act relating to game and fish; increasing nonresident hunting license fees; amending Minnesota Statutes 1980, Section 98.46, Subdivision 14.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Nichols introduced—

S.F. No. 997: A bill for an act relating to workers' compensation; defining home care attendants for handicapped persons who are paid by the state as state employees for workers' compensation purposes; amending Minnesota Statutes 1980, Section 176.011, Subdivision 9.

Referred to the Committee on Employment.

Messrs. Lessard, Johnson, Willet, Ashbach and Pillsbury introduced—

S.F. No. 998: A bill for an act relating to education; creating a raptor research and rehabilitation program in the veterinary school of the University of Minnesota; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 137.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Lindgren, Belanger, Engler, Renneke and Ashbach introduced—

S.F. No. 999: A bill for an act relating to public welfare; changing the general assistance program so that it covers only emergency needs; providing for vendor and voucher payments; setting standards for eligibility; limiting the duration of assistance; amending Minnesota Statutes 1980, Sections 256D.01, Subdivision 1; 256D.02, Subdivisions 4, 4a, 11, and 13, and by adding a subdivision; 256D.03; 256D.04; 256D.05; 256D.06, Subdivisions 1 and 3, and by adding a subdivision; 256D.07; 256D.08; 256D.09, Subdivision 1; 256D.10; 256D.11, Subdivisions 1, 4, 5, and 8, and by adding a subdivision; 256D.13, Subdivision 1; 256D.15; and 256D.16; repealing Minnesota Statutes 1980, Sections 256D.06, Subdivisions 1a and 2; 256D.09, Subdivision 2; and 256D.11, Subdivisions 1a, 2a, and 3a.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Benson, Rued, Davis, Lessard and Frederickson introduced—

S.F. No. 1000: A bill for an act relating to commerce; regulating the licensing of electricians; amending Minnesota Statutes 1980, Section 326.242, Subdivision 2.

Referred to the Committee on Governmental Operations.

Messrs. Pehler and Davis introduced—

S.F. No. 1001: A bill for an act relating to agriculture; providing for statewide agricultural land preservation; amending Minnesota Statutes 1980, Sections 473H.01; 473H.02; 473H.04; 473H.06; and 473H.08, Subdivision 4.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Lessard introduced—

S.F. No. 1002: A bill for an act relating to tax forfeited lands; sale of stumpage without bids; amending Minnesota Statutes 1980, Section 282.04,

Subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Bertram; Davis; Peterson, D.L. and Setzepfandt introduced—

S.F. No. 1003: A bill for an act relating to public waters; requiring notice by certified mail to owners of property which includes or is adjacent to areas proposed to be designated as public waters or wetlands; amending Minnesota Statutes 1980, Section 105.391, Subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Ms. Berglin introduced—

S.F. No. 1004: A bill for an act relating to children; amending the definitions of shelter care facility and secure detention facility; extending the time limit for detaining children who may be dependent or neglected children; defining the privilege doctrine to exempt child abuse or neglect proceedings; creating an exception for chemical dependency personnel in a proceeding or investigation for child abuse or neglect; changing the disposition provision for children found to be neglected or dependent; changing the definition of sexual abuse in the reporting maltreatment of minors law; including attorneys and clergy to persons mandated to report child abuse and neglect; requiring persons who report child abuse or neglect to share all relevant information to the authorities authorized to receive and investigate the report; requiring the local welfare agency and police department to destroy records seven years after the date of final entry in the case record; amending Minnesota Statutes 1980, Sections 254A.09; 260.015, Subdivisions 16 and 17; 260.171, Subdivisions 2, 4, 5 and 6; 260.172, Subdivision 1; 260.191, Subdivision 1; 626.556, Subdivisions 2, 3, 7, 8 and 11; repealing Minnesota Statutes 1980, Section 260.015, Subdivision 15.

Referred to the Committee on Judiciary.

Mrs. Brataas, Messrs. Stern, Wegener, Setzepfandt and Benson introduced—

S.F. No. 1005: A bill for an act relating to municipal industrial development; permitting financing of certain health related housing facilities; amending Minnesota Statutes 1980, Section 474.02, Subdivision 1d.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Rued, Bernhagen, Chmielewski, Solon and Vega introduced—

S.F. No. 1006: A bill for an act relating to taxation; income; excluding from gross income the first $500 of income paid for voluntary firefighter services; amending Minnesota Statutes 1980, Section 290.01, Subdivision 20.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Moe, D.M. and Hughes introduced—

S.F. No. 1007: A bill for an act relating to retirement; teachers' occupational disability benefits; amending Minnesota Statutes 1980, Section 354.05, by

adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 354.

Referred to the Committee on Public Employees and Pensions.

Messrs. Spear and Ashbach introduced—

S.F. No. 1008: A bill for an act relating to courts; tax court; increasing the number of authorized administrative employees; amending Minnesota Statutes 1980, Section 271.02.

Referred to the Committee on Judiciary.

Ms. Berglin, Messrs. Pehler, Knoll and Merriam introduced—

S.F. No. 1009: A bill for an act relating to real estate; enabling municipalities to require filing of contracts for deed; proposing new law coded in Minnesota Statutes, Chapter 507.

Referred to the Committee on Judiciary.

Messrs. Frank, Knoll and Dicklich introduced—

S.F. No. 1010: A bill for an act relating to human rights; allowing certain complaints of discrimination to be submitted to binding arbitration; proposing new law coded in Minnesota Statutes, Chapter 363.

Referred to the Committee on Governmental Operations.

Mrs. Lantry, Messrs. Chmielewski and Solon introduced—

S.F. No. 1011: A bill for an act relating to health; proposing a population-based, statewide cancer and birth defects surveillance system; establishing an advisory task force; designing a system and pilot test; appropriating money.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Solon introduced—

S.F. No. 1012: A bill for an act relating to health; encouraging philanthropic support of hospitals; providing that funds derived from specified types of gifts or grants shall not be deducted from the operating costs of a hospital; proposing new law coded in Minnesota Statutes, Chapter 144.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Keefe, Stern and Ramstad introduced—

S.F. No. 1013: A bill for an act relating to the legislature; reducing the number of members of the senate and house of representatives; amending Minnesota Statutes 1980, Section 2.021.

Referred to the Committee on Rules and Administration.

Messrs. Petty, Johnson, Ashbach, Pehler and Benson introduced—

S.F. No. 1014: A bill for an act relating to financial institutions; providing

for reasonable time to respond to requests for documents and reasonable compensation for costs of document production; proposing new law coded in Minnesota Statutes, Chapter 47.

Referred to the Committee on Commerce.

Messrs. Peterson, R.W.; Hanson; Peterson, D.L.; Ramstad and Chmielewski introduced—

S.F. No. 1015: A bill for an act relating to civil actions; limitations of actions; providing that actions for malpractice against health care professionals be commenced within two years; amending Minnesota Statutes 1980, Section 541.07.

Referred to the Committee on Judiciary.

Mr. Dahl introduced—

S.F. No. 1016: A bill for an act relating to Independent School District No. 624, White Bear Lake; authorizing it to transfer interest earnings from capital outlay and debt redemption funds to its general fund.

Referred to the Committee on Education.

Messrs. Merriam, Lessard, Keefe, Dahl and Spear introduced—

S.F. No. 1017: A bill for an act relating to commerce; requiring that consumer contracts be written in clear and coherent language; providing remedies; proposing new law coded in Minnesota Statutes, Chapter 325G.

Referred to the Committee on Commerce.

Mr. Merriam introduced—

S.F. No. 1018: A bill for an act relating to taxation; eliminating unnecessary language concerning a property tax exemption for cheese; amending Minnesota Statutes 1980, Sections 272.02, Subdivision 1; 273.115, Subdivisions 1, 2, and 3; and 273.116, Subdivisions 1 and 2.

Referred to the Committee on Taxes and Tax Laws.

Mr. Ulland introduced—

S.F. No. 1019: A bill for an act relating to transportation; providing for continuing Amtrak rail passenger service between Duluth and the Twin Cities metropolitan area; appropriating money.

Referred to the Committee on Transportation.

Mr. Chmielewski introduced—

S.F. No. 1020: A bill for an act relating to taxation; providing a reduction of certain property taxes; providing reimbursement to taxing districts for revenue lost as a result thereof; appropriating money; amending Minnesota Statutes 1980, Section 273.13, Subdivisions 9 and 15a.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Knutson, Ramstad, Lindgren and Rued introduced—

S.F. No. 1021: A bill for an act relating to child abuse; requiring reports of certain sexual and physical abuse of children; requiring reports to parents in certain cases; amending Minnesota Statutes 1980, Section 626.556, Subdivisions 1, 2, 3, 7 and 9.

Referred to the Committee on Judiciary.

Mr. Penny introduced—

S.F. No. 1022: A bill for an act relating to water; raising the petitioners' bond in certain drainage project cases and the appellant's bond in the case of certain appeals; eliminating a responsibility imposed on certain water project contractors; amending Minnesota Statutes 1980, Sections 106.041; and 106.631, Subdivision 2; repealing Minnesota Statutes 1980, Section 105.463.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Knutson introduced—

S.F. No. 1023: A bill for an act relating to crimes; requiring the sentencing guidelines commission to modify the sentencing guidelines by providing for more frequent application of incarcerative sanctions and increasing the duration of presumptive sentences; requiring modification of the sentencing guidelines to include specific aggravating factors for major narcotics offenses; requiring the commission to authorize judicial consideration of "real offense" information in certain cases involving the plea negotiation process; requiring the commission to study the impact of the plea negotiation process on the operation of the guidelines; amending Minnesota Statutes 1980, Section 244.09, Subdivision 5; proposing new law coded in Minnesota Statutes, Chapter 244.

Referred to the Committee on Judiciary.

Messrs. Knutson, Lindgren and Ramstad introduced—

S.F. No. 1024: A bill for an act relating to criminal justice; creating an office of criminal justice within the state planning agency; establishing a criminal justice advisory council to serve as an advisory committee to the office of criminal justice; proposing new law coded in Minnesota Statutes, Chapter 4; repealing Minnesota Statutes 1980, Section 299A.03.

Referred to the Committee on Judiciary.

Messrs. Knutson and Lindgren introduced—

S.F. No. 1025: A bill for an act relating to children; requiring stepparents to support their unadopted stepchildren; proposing new law coded in Minnesota Statutes, Chapter 257.

Referred to the Committee on Judiciary.

Ms. Berglin; Messrs. Solon; Moe, R.D.; Sikorski and Purfeerst introduced—

S.F. No. 1026: A bill for an act relating to public welfare; providing for

alternatives to nursing home care in counties with preadmission screening; appropriating money; amending Minnesota Statutes 1980, Section 256B.091.

Referred to the Committee on Health, Welfare and Corrections.

Ms. Berglin, Messrs. Solon and Nelson introduced—

S.F. No. 1027: A bill for an act relating to health; clarifying certain requirements regarding the Hill-Burton program; defining terms; providing remedies and penalties; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 145.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Davies introduced—

S.F. No. 1028: A bill for an act relating to crimes; eliminating the defenses of mental illness and mental deficiency; amending Minnesota Statutes 1980, Section 611.026.

Referred to the Committee on Judiciary.

Mr. Merriam introduced—

S.F. No. 1029: A bill for an act relating to education; permitting school boards to deposit the proceeds from the sale or exchange of school buildings or real property in the capital expenditure fund under certain circumstances; amending Minnesota Statutes 1980, Section 123.36, Subdivision 13.

Referred to the Committee on Education.

Mr. Merriam introduced—

S.F. No. 1030: A bill for an act relating to education; providing that in certain circumstances the words, terms and phrases in certain sections have the meanings given them in the manual for the uniform financial accounting and reporting system; providing that encumbrances do not constitute expenditures or liabilities; providing that certain purchase orders shall be expenditures in the fiscal year the liability is incurred; amending Minnesota Statutes 1980, Sections 121.90; and 121.906, Subdivisions 2 and 3.

Referred to the Committee on Education.

Messrs. Merriam, Pehler, Luther, Keefe and Sikorski introduced—

S.F. No. 1031: A bill for an act relating to the environment; establishing an environmental response fund to pay for removal and remedial action associated with certain hazardous substances released into the environment; providing for liability for releases of hazardous substances; imposing penalties; appropriating money; proposing new law coded as Minnesota Statutes, Chapter 115B.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Pillsbury introduced—

S.F. No. 1032: A bill for an act relating to transportation; providing for the

financing of certain services of the department of transportation; increasing the motor vehicle registration tax on certain vehicles; increasing the tax on gasoline and special fuels; authorizing the issuance of state transportation bonds and appropriating the proceeds for the purpose of providing money for capital improvements comprising construction and reconstruction of key bridges on the trunk highway system, segments of the interstate system and interstate highway substitution projects; amending Minnesota Statutes 1980, Sections 168.011, Subdivisions 7, 10, 17 and 25; 168.013, Subdivisions 1a, 1b, 1c, 1d, 1e, 1g, 1h and 2; 168.017, Subdivisions 1 and 3; 174.50, Subdivision 1; and 296.02, Subdivision 1; repealing Minnesota Statutes 1980, Section 168.013, Subdivisions 16 and 17.

Referred to the Committee on Transportation.

Messrs. Spear, Stern and Tennessen introduced—

S.F. No. 1033: A bill for an act relating to intoxicating liquor; permitting holders of both on-sale wine and on-sale non-intoxicating malt beverages licenses to sell intoxicating malt beverages; amending Minnesota Statutes 1980, Section 340.11, Subdivision 20.

Referred to the Committee on Commerce.

Ms. Berglin introduced—

S.F. No. 1034: A bill for an act relating to the state building code; authorizing municipalities to adopt certain provisions which are stricter than the state building code; proposing new law coded in Minnesota Statutes, Chapter 16.

Referred to the Committee on Energy and Housing.

Ms. Berglin introduced—

S.F. No. 1035: A bill for an act relating to individual housing accounts; providing for the subtraction from federal adjusted gross income of certain contributions to and interest earned on individual housing accounts; repealing the deduction for individual housing account contributions and interest; clarifying various provisions relating to individual housing accounts; amending Minnesota Statutes 1980, Sections 48.159, Subdivision 2; 50.157, Subdivision 2; 51A.21, Subdivision 16a; 52.136; 290.01, Subdivision 20; 290.08, by adding a subdivision; and 290.17, Subdivision 2; repealing Minnesota Statutes 1980, Section 290.09, Subdivision 30.

Referred to the Committee on Energy and Housing.

Mr. Sieloff introduced—

S.F. No. 1036: A bill for an act relating to contracts; providing for the enforceability of certain agreements between certain cohabiting parties; proposing new law coded in Minnesota Statutes, Chapter 513; repealing Minnesota Statutes 1980, Section 513.075.

Referred to the Committee on Judiciary.

Mr. Sikorski introduced—

S.F. No. 1037: A bill for an act relating to juveniles; providing for the

detention of juveniles for whom a motion to refer for prosecution is pending before the court; amending Minnesota Statutes 1980, Section 260.173, Subdivision 4.

Referred to the Committee on Judiciary.

Mr. Sikorski introduced—

S.F. No. 1038: A bill for an act relating to education; authorizing school boards to increase their maximum authorized levy in any amount unless disapproved at a referendum; amending Minnesota Statutes 1980, Section 275.125, Subdivision 2a.

Referred to the Committee on Education.

Mr. Sikorski introduced—

S.F. No. 1039: A bill for an act relating to energy; allowing the use of certain gas lamps; amending Minnesota Statutes 1980, Section 116H.12, Subdivision 3a, and by adding a subdivision.

Referred to the Committee on Energy and Housing.

Messrs. Merriam, Pehler and Luther introduced—

S.F. No. 1040: A bill for an act relating to the environment; clarifying terms and duties in the waste management act; extending time limits for site selections and reports; providing that certain appropriations shall remain available until expended; amending Minnesota Statutes 1980, Sections 115A.03, Subdivisions 15 and 29; 115A.06, Subdivision 4, and by adding a subdivision; 115A.08, Subdivisions 4, 5 and 6; 115A.09; 115A.11, Subdivision 1; 115A.19; 115A.20; 115A.21, Subdivisions 1 and 2; 115A.22, Subdivisions 3 and 4; 115A.23; 115A.24; 115A.26; 115A.28, Subdivision 2; 115A.33; 115A.37, Subdivision 2; 115A.54, Subdivision 3; 116.07, Subdivisions 2 and 4; 116.41, Subdivision 2; 400.161; 473.149, Subdivisions 2c and 2e; 473.153, Subdivisions 1, 2 and 6; 473.803, Subdivision 1a; 473.811, Subdivision 5b; and 473.833, Subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

Ms. Berglin introduced—

S.F. No. 1041: A bill for an act relating to elections; changing certain requirements for voting by absent and disabled voters; amending Minnesota Statutes 1980, Sections 207.02; and 207.03, Subdivision 1.

Referred to the Committee on Elections and Reapportionment.

Ms. Berglin introduced—

S.F. No. 1042: A bill for an act relating to the city of Minneapolis; requiring the proceeds of the sale of unclaimed stolen property to be placed in the general fund.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Olhoft introduced—

S.F. No. 1043: A bill for an act relating to administrative procedures; providing for the effect on rules of the transfer of powers between agencies; recodifying certain other procedures relating to the transfer of powers between agencies; modifying the powers of the revisor of statutes with respect to drafting; compiling and publishing rules; extending certain statutory definitions of terms to administrative rules; amending Minnesota Statutes 1980, Sections 3.965, Subdivision 2; 15.0411, Subdivisions 2 and 3; 15.0412, Subdivisions 1, 1a, 2a, 4, 4c, 4d, 4e, 4f, 4g, 4h, 5, 7, 8, 9 and 10; 15.0413; 15.0415; 16.86, Subdivision 2; 62E.10, Subdivision 8; 121.931, Subdivision 8; 121.932, Subdivision 3; 238.09, Subdivision 9; 271.06, Subdivision 7; 299A.03, Subdivision 6; 360.015, Subdivisions 4, 5 and 16; 645.071, Subdivision 1; 645.08; 645.11; 645.12, Subdivision 1; 645.13; 645.14; 645.15; 645.18; 645.19; 645.20; 645.21; 645.23; 645.24; 645.26, Subdivisions 1 and 2; 645.31, Subdivision 1; 645.34; 645.35; 645.36; 645.37; 645.39; 645.40; 645.41; 645.44, Subdivision 1; 645.45; 645.451, Subdivision 1; 645.46; 645.48; 648.31, Subdivision 6; 648.50, Subdivisions 1, 2, 3 and 4, and by adding subdivisions; proposing new law coded in Minnesota Statutes, Chapters 15 and 645; repealing Minnesota Statutes 1980, Sections 15.015 to 15.04; 174.06, Subdivision 6; and 245.04 to 245.07.

Referred to the Committee on General Legislation and Administrative Rules.

Mr. Setzepfandt introduced—

S.F. No. 1044: A bill for an act relating to the city of Echo; authorizing the issuance of bonds for the acquisition and betterment of a city hall, community center, and municipal meeting room.

Referred to the Committee on Local Government and Urban Affairs.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Monday, March 30, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TWENTY-SEVENTH DAY

St. Paul, Minnesota, Monday, March 30, 1981

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

Prayer was offered by the Chaplain, Rev. Laurits C. Nielsen.

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

Ashbach	Dicklich	Kronebusch	Penny	Sikorski
Bang	Dieterich	Langseth	Peterson, C.C.	Solon
Belanger	Engler	Lantry	Peterson, D.L.	Spear
Benson	Frank	Lessard	Peterson, R.W.	Stern
Berg	Frederick	Lindgren	Petty	Stokowski
Berglin	Frederickson	Luther	Pillsbury	Stumpf
Bernhagen	Hanson	Menning	Purfeerst	Taylor
Bertram	Hughes	Merriam	Ramstad	Tennessen
Brataas	Humphrey	Moe, D.M.	Renneke	Ulland
Chmielewski	Johnson	Moe, R.D.	Rued	Vega
Dahl	Keefe	Nelson	Schmitz	Waldorf
Davies	Knoll	Olhoft	Setzepfandt	Wegener
Davis	Kroening	Pehler	Sieloff	Willet

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

March 20, 1981

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

The Honorable Jack Davies
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1981 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1981	Date Filed 1981
92		6	March 20	March 20
144		7	March 20	March 20

Sincerely,

Joan Anderson Growe
Secretary of State

March 25, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S. F. Nos. 12 and 13.

Sincerely yours,

Albert H. Quie, Governor

March 25, 1981

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

The Honorable Jack Davies
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1981 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1981	Date Filed 1981
12		8	March 25	March 25
13		9	March 25	March 25

Sincerely,

Joan Anderson Growe
Secretary of State

March 27, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S. F. Nos. 175 and 97.

Sincerely yours,

Albert H. Quie, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S. F. Nos. 30 and 620.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 26, 1981

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. 121: A bill for an act relating to statutory cities and urban towns; permitting publication of summaries of ordinances prior to enactment; amending Minnesota Statutes 1980, Sections 368.01, Subdivision 21; and 412.191, Subdivision 4.

Senate File No. 121 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 26, 1981

Mr. Wegener moved that the Senate do not concur in the amendments by the House to S. F. No. 121, 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 that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 366 and repassed said bill in accordance with the report of the Committee, so adopted.

S. F. No. 366: A bill for an act relating to taxation; providing a new schedule for payment of income taxes withheld from wages; giving temporary rulemaking authority; appropriating money; amending Minnesota Statutes 1980, Section 290.92, Subdivision 6.

Senate File No. 366 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 26, 1981

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 98, 258, 509, 349 and 435.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 26, 1981

FIRST READING OF HOUSE BILLS

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

H. F. No. 98: A bill for an act relating to energy; amending certain provisions for home energy disclosure reports; amending Minnesota Statutes 1980, Section 116H.129, Subdivisions 1, 2, 5, 6, and 7.

Referred to the Committee on Energy and Housing.

H. F. No. 258: A bill for an act relating to commerce; allowing the manufacture, sale, and shipment of gambling devices for use in other states; amending Minnesota Statutes 1980, Sections 349.31, Subdivision 1; 609.75, Subdivision 1; 609.76; proposing new law coded in Minnesota Statutes, Chapter 349.

Referred to the Committee on Commerce.

H. F. No. 509: A bill for an act relating to commerce; requiring disclosure in motor vehicle transactions; proposing new law coded in Minnesota Statutes, Chapter 168.

Referred to the Committee on Commerce.

H. F. No. 349: A bill for an act relating to agriculture; regulating livestock marketing; providing a penalty; amending Minnesota Statutes 1980, Sections 17A.02; 17A.03, Subdivision 7; 17A.14; proposing new law coded in Minnesota Statutes, Chapter 17A.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 494, now on General Orders.

H. F. No. 435: A bill for an act relating to taxation; income; property tax refund; adopting certain federal income tax amendments; amending Minnesota Statutes 1980, Sections 290.01, Subdivision 20; 290.06, Subdivision 14; 290.07, Subdivision 5; 290.077, Subdivision 4; 290.08, Subdivisions 8 and 20; 290.09, Subdivisions 3, 4, 17a, and 19; 290.091; 290.131, Subdivision 2; 290.132, Subdivision 2; 290.135, Subdivision 2; 290.136, Subdivision 1; 290.138, by adding a subdivision; 290.26, Subdivision 2; 290.31, Subdivision 3; 290.41, by adding subdivisions; 290.92, Subdivision 20; 290.934, Subdivision 4; 290.971, by adding a subdivision; 290A.03, Subdivision 3; 474.12, Subdivision 2; and Laws 1980, Chapter 607, Article I, Section 34; repealing Minnesota Statutes 1980, Sections 290.08, Subdivisions 7 and 13; 290.09, Subdivision 12; 290.136, Subdivisions 2, 3, 4, 5, 6, 7, and 9; 290.137, and 290.138, Subdivisions 1 and 2.

Referred to the Committee on Taxes and Tax Laws.

REPORTS OF COMMITTEES

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

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

S. F. No. 625: A bill for an act relating to landlords and tenants; permitting certain actions in unlawful detainer to be done by nonattorneys; amending Minnesota Statutes 1980, Section 481.02, Subdivision 3.

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 1980, Section 481.02, Subdivision 3, is amended to read:

Subd. 3. [~~WHAT~~ PERMITTED *ACTIONS*.] The ~~foregoing~~ *provisions of this section* shall not prohibit:

(1) any one from drawing, without charge ~~for so doing~~, any document to which he, ~~or~~ a person whose employee he is ~~or~~, a firm whereof he is a member, or a corporation whose officer or employee he is, is a party, except another's will or testamentary disposition or instrument of trust serving purposes similar to those of a will; ~~and shall not prohibit~~

(2) a person from drawing a will for another in an emergency wherein the imminence of death leaves insufficient time to have ~~the same~~ *it* drawn and its execution supervised by a licensed attorney at law; ~~and shall not prohibit~~

(3) any one, acting as broker for the parties or agent of one of the parties to a sale or trade or lease of property or to a loan, from drawing or assisting in drawing, with or without charge ~~therefor~~, ~~such~~ papers ~~as may be~~ incident to ~~such~~ *the* sale, trade, lease, or loan; ~~and shall not prohibit~~

(4) any insurance company from causing to be defended, or from offering to cause to be defended through lawyers of its selection, the insureds in policies issued or to be issued by it, in accordance with the terms of ~~such~~ *the* policies; ~~and shall not prohibit one such~~

(5) a licensed attorney at law from acting for several common-carrier corporations or any of its subsidiaries pursuant to arrangement between ~~said~~ *the* corporations; ~~and shall not prohibit~~

(6) any bona fide labor organization from giving legal advice to its members in matters arising out of their employment; ~~and shall not prohibit~~

(7) any person from conferring or cooperating with a licensed attorney at law of another in preparing any legal document, if ~~such~~ *the* attorney is not, directly or indirectly, in the employ of ~~such~~ *the* person or of any person, firm, or corporation represented by ~~such~~ *the* person; ~~and shall not prohibit~~

(8) any licensed attorney at law of Minnesota, who is an officer or employee of a corporation, from drawing, for or without compensation, any document to which the corporation is a party or wherein it is interested personally or in a representative capacity, except wills or testamentary dispositions or instruments of trust serving purposes similar to those of a will, but any charge made for the legal work connected with preparing and drawing ~~such~~ *the* document shall not exceed the amount paid to and received and retained by ~~such~~ *the* attorney, and ~~such~~ *the* attorney shall not, directly or indirectly, rebate the ~~same~~ *fee* to or divide the ~~same~~ *fee* with ~~such~~ *the* corporations; ~~and shall not prohibit~~

(9) any person or corporation from drawing, for or without a fee, farm or house leases, notes, mortgages, chattel mortgages, bills of sale, deeds, assignments, satisfactions or any other conveyances except testamentary dispositions and instruments of trust; ~~and shall not prohibit~~

(10) a licensed attorney at law of Minnesota from rendering to a corporation legal services to itself at the expense of one or more of its bona fide principal stockholders by whom he is employed and by whom no compensation is, directly or indirectly, received for ~~such~~ *the* services; ~~and shall not prohibit~~

(11) any person or corporation engaged in the business of making collections from engaging or turning over to an attorney at law for the purpose of instituting and conducting suit or making proof of claim of a creditor in any case in which the attorney at law receives the entire compensation for ~~such~~ *the* work; ~~and shall not prohibit~~

(12) any regularly established farm journal or newspaper, devoted to general news, from publishing a department of legal questions and answers thereto, made by a licensed attorney at law, if no ~~such~~ answer ~~be~~ *is* accompanied or at any time preceded or followed by any charge for ~~such answer~~ *it*, any disclosure of any name of the maker of any answer, any recommendation of or reference to any one to furnish legal advice or services, or by any legal advice or service for ~~such~~ *the* periodical or any one connected with it or suggested by it, directly or indirectly;

(13) any authorized management agent of an owner of rental property used for residential purposes, whether the management agent is a natural person, corporation, partnership, limited partnership, or any other business entity, from commencing, maintaining, conducting, or defending in its own behalf any action in any court in this state to recover or retain possession of rental property used for residential purposes; and

(14) any person from commencing, maintaining, conducting, or defending on behalf of the plaintiff or defendant any action commenced in any county or municipal court of this state pursuant to the provisions of sections 566.175 or 566.18 to 566.33 or from commencing, maintaining, conducting, or defending on behalf of the plaintiff or defendant any action commenced in any county or municipal court of this state for the recovery of rental property used for residential purposes pursuant to the provisions of sections 566.02 or 566.03, subdivision 1, except that the provisions of this clause shall not authorize a person who is not a licensed attorney at law to conduct a jury trial or to appear before a district court or the supreme court pursuant to an appeal, and provided that, except for a nonprofit corporation, a person who is not a licensed attorney at law shall not charge or collect a separate fee for services rendered pursuant to this clause.

Sec. 2. Minnesota Statutes 1980, Section 566.05, is amended to read:

566.05 [COMPLAINT AND SUMMONS.]

The person complaining shall file a complaint with a ~~justice of the peace~~ *court*, describing the premises of which possession is claimed, stating the facts which authorize the recovery, and praying for restitution thereof. The ~~justice~~ *court* shall thereupon issue a summons, commanding the person against whom ~~such~~ *the* complaint is made to appear before ~~him~~ *the court* on a day and at a place *stated* in ~~such~~ *the* summons ~~named, which~~ . *The appearance* shall not be less than ~~three~~ *seven*, nor more than ~~ten~~ *14*, days from the day of issuing the ~~same~~ *summons*. A copy of the complaint shall be attached to the summons, which shall state that it is so attached, and that the original has been filed.

Sec. 3. Minnesota Statutes 1980, Section 566.06, is amended to read:

566.06 [SUMMONS; HOW SERVED.]

The summons shall be served at least ~~three~~ *seven* days before the return day thereof by delivering a copy to the person against whom it is issued or if ~~such~~

the person ~~be~~ *is* a corporation, a minor under 14 years of age or a person under guardianship, by delivering a copy as provided in the case of ~~a~~ service of *a* summons in a civil action in the district court~~;~~ ~~but~~ . In case ~~such~~ *the* person cannot be found in the county, the summons may be served on him at least ~~six~~ *seven* days before ~~the~~ *its* return day ~~thereof,~~ by leaving a copy ~~thereof~~ at his last usual place of abode with a member of his family, or a person of suitable age and discretion residing ~~at such place~~ *there*, or if he had no place of abode, by leaving a copy ~~thereof~~ upon the premises described in the complaint with a person of suitable age and discretion occupying the same or any part thereof. The summons may be served by the sheriff or any constable of the county, by an agent or attorney of any named party to the action, or by any other person not named a party to the action. In case the defendant cannot be found in the county, of which the return of the sheriff or constable~~,~~ shall be prima facie proof, and further that there is no person actually occupying the premises described in the complaint, then upon the filing of an affidavit by the plaintiff, or his attorney, in the court in which the action is brought stating that he believes the defendant is not in this state, or cannot be found therein, and either that he has mailed a copy of the summons to the defendant at his last known address, or that ~~such~~ *the* address is not known to him, service of the summons may be made upon ~~such~~ *the* defendant by posting the summons in a conspicuous place on the premises for not less than one week and if upon the return day the defendant, or his attorney, does not appear in court in the action then the trial thereof shall proceed.

Sec. 4. Minnesota Statutes 1980, Section 566.09, is amended to read:

566.09 [JUDGMENT; FINE; EXECUTION.]

~~If~~~~,~~ ~~upon the trial,~~ the ~~justice~~ *court* or jury ~~find~~ *finds* for the plaintiff, the ~~justice~~ *court* shall immediately ~~thereupon~~ enter judgment that the plaintiff have restitution of the premises~~,~~ and tax the costs for him. The ~~justice~~ *court* shall issue execution in favor of the plaintiff for ~~such~~ *the* costs~~,~~ and also immediately issue a writ of restitution. ~~No stay of the writ of restitution may be granted except upon a showing by the defendant that the restitution would work a substantial hardship upon the defendant. Upon a proper showing by the defendant of substantial hardship, the justice may stay the writ of restitution for a reasonable period not to exceed seven days, except that no sttay y of the writ of restitution shall extend later than three days prior to the date the rent is next due~~ *Upon a showing by the defendant that immediate restitution of the premises would work a substantial hardship upon him or his family, the court shall stay the writ of restitution for a reasonable period, not to exceed seven days.* If the ~~justice~~ *court* or jury ~~shall find~~ *finds* for the defendant, ~~he~~ *the court* shall enter judgment for the defendant, tax the costs against the plaintiff, and issue execution therefor.

Sec. 5. [INSTRUCTIONS TO REVISOR.]

The revisor of statutes shall change the term "justice" or "justice of the peace" to "court" or another appropriate term wherever it appears in chapter 566.

Sec. 6. [EFFECTIVE DATE.]

This act shall be effective the day following its final enactment."

Delete the title and insert:

"A bill for an act relating to landlords and tenants; permitting certain tenant remedies actions and certain actions in unlawful detainer to be done by nonattorneys; extending the time between service of the summons in unlawful detainer proceedings and the return day; providing for a stay of the writ of restitution in unlawful detainer proceedings in cases of hardship; changing obsolete terms in certain landlord and tenant statutes; amending Minnesota Statutes 1980, Sections 481.02, Subdivision 3; 566.05; 566.06; and 566.09."

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

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

S. F. No. 154: A bill for an act relating to crimes; authorizing the release of account information to law enforcement authorities investigating the issuance of worthless checks; authorizing the issuance of account information to payee or holders when a check has been dishonored; amending Minnesota Statutes 1980, Section 609.535, by adding subdivisions.

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 1980, Section 609.535, is amended by adding a subdivision to read:

Subd. 6. [RELEASE OF ACCOUNT INFORMATION TO LAW ENFORCEMENT AUTHORITIES.] *A drawee shall not be liable in a civil or criminal proceeding for releasing to any state, county, or local law enforcement or prosecuting authority which first certifies in writing that it is investigating or prosecuting a complaint against the drawer under this section or section 609.52, subdivision 2, clause (3)(a) any of the following information relating to the drawer's account:*

(1) Documents relating to the opening of the account by the drawer;

(2) Correspondence between the drawer and the drawee relating to the status of the account;

(3) Periodic statements mailed to the drawer by the drawee for the periods immediately prior to, during, and subsequent to the issuance of any check or other order for the payment of money which is the subject of the investigation or prosecution; or

(4) The last known home and business addresses and telephone numbers of the drawer.

Sec. 2. Minnesota Statutes 1980, Section 609.535, is amended by adding a subdivision to read:

Subd. 7. [RELEASE OF ACCOUNT INFORMATION TO PAYEE OR HOLDER.] *If there is a written request to a drawee from a payee or holder of a check or other order for the payment of money that has been dishonored other than by a stop payment order, accompanied with a photostatic copy of the dishonored check or other order for payment of money, the drawee shall not be liable in a civil or criminal proceeding for releasing to the payee or holder any of the following information relating to the drawer's account:*

(1) Whether, at the time the check or other order for payment of money was issued or presented for payment, the drawer had sufficient funds or credit with the drawee, and whether at that time the account was open, closed or restricted for any reason and, if closed, the date of closing; and

(2) The last known home and business addresses and telephone numbers of the drawer.

Sec. 3. Minnesota Statutes 1980, Section 609.535, is amended by adding a subdivision to read:

Subd. 8. [NOTICE.] *The provisions of subdivisions 6 and 7 shall not be applicable unless the notice to the maker or drawer required by subdivision 3 states that if the check or other order for the payment of money is not paid in full within five business days after receipt of the notice, the drawee may release information relating to the issuer's account to the payee or holder of the check or other order for the payment of money and to law enforcement and prosecuting authorities. No person shall be liable for threatening a criminal action to collect a civil obligation solely because of inclusion of the language permitted to be contained in the notice by this subdivision.*

Sec. 4. Minnesota Statutes 1980, Section 609.535, is amended by adding a subdivision to read:

Subd. 9. [CONFIDENTIALITY OF INFORMATION.] *Any information released pursuant to either subdivision 6 or 7 shall not be intentionally released, delivered or communicated by the recipient to any third party unless the release, delivery or communication is necessary to the collection or prosecution of a complaint against a drawer under this section or section 609.52, subdivision 2, clause (3)(a).*

Sec. 5. [EFFECTIVE DATE.]

This act is effective August 1, 1981, and applies to all crimes committed on or after that date."

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "providing notification of the release of information; restricting further disclosure of information released;"

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

Mr. Schmitz from the Committee on Veterans' Affairs, to which was referred

S. F. No. 745: A bill for an act relating to veterans; requiring the commissioner of veterans affairs to furnish an American flag to the nearest surviving relative of a deceased veteran who served six or more years in the Minnesota National Guard; amending Minnesota Statutes 1980, Section 196.05.

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

Delete everything after the enacting clause and insert:

"Section 1. [192.381] [ADJUTANT GENERAL TO FURNISH AN AMERICAN FLAG TO SURVIVING RELATIVES.]

Upon the death of any person who served six years or more in the Minnesota National Guard, the adjutant general shall furnish an American flag to the closest surviving relative of the deceased guardsman or former guardsman."

Amend the title as follows:

Page 1, delete lines 2 to 7 and insert:

"relating to the military; requiring the adjutant general to furnish an American flag to the closest surviving relative of a deceased person who served six or more years in the Minnesota National Guard; proposing new law coded in Minnesota Statutes, Chapter 192."

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

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

S. F. No. 973: A bill for an act relating to local government; permitting the city council to fix the compensation of the park board in statutory cities; amending Minnesota Statutes 1980, Section 412.501.

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

Page 2, lines 24 and 25, reinstate the stricken language

Page 2, line 25, strike "$100" and insert "*$500*"

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

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

S. F. No. 735: A bill for an act relating to local government; regulating the tax levy of the joint recreation and park board of the city of Hibbing and Independent School District 701; amending Laws 1971, Chapter 573, Section 2.

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

Page 1, line 11, delete "*section 1*" and insert "*sections 1 and 2, subdivision 2,*"

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

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

S. F. No. 857: A bill for an act relating to metropolitan government; authorizing the metropolitan council to prepare guidelines relating to the amendment of comprehensive plans; amending Minnesota Statutes 1980, Section 473.864, Subdivision 2.

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

Page 1, lines 11 and 12, delete the new language

Page 1, line 14, reinstate the stricken language

Page 1, line 15, reinstate "submitted, and adopted in"

Page 1, line 16, before the period, insert "*conformance with guidelines adopted by the metropolitan council pursuant to section 473.854*"

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

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

S. F. No. 785: A bill for an act relating to taxation; real property; providing open space treatment for archery and firearms ranges; amending Minnesota Statutes 1980, Section 273.112, Subdivision 3.

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

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

S. F. No. 636: A bill for an act relating to taxation; providing that the disallowance of income tax deductions relating to substandard housing shall not expire; amending Laws 1975, Chapter 226, Section 4, as amended.

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

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

S. F. No. 95: A bill for an act relating to public improvements; permitting deferral of special assessments in instances of hardship; amending Minnesota Statutes 1980, Section 435.193.

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

Page 1, line 12, after "county," insert "*statutory or home rule charter*"

Page 1, lines 16 to 20, delete the new language

Page 1, line 20, after "county," insert "*statutory or home rule charter*"

Page 1, line 23, after "hardship" insert "*and for determining the existence of a disability*"

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

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

S. F. No. 887: A bill for an act relating to the housing finance agency; authorizing temporary rulemaking to define certain terms; providing for a revolving account; permitting certain loans; appropriating money; amending Minnesota Statutes 1980, Sections 462A.03, Subdivision 10; 462A.04, Subdivision 8; 462A.05, Subdivision 17, and by adding subdivisions; 462A.20, Subdivision 3; 462A.21, Subdivision 8, and by adding a subdivision; and

462A.22, Subdivision 9; repealing Minnesota Statutes 1980, Section 462A.21, Subdivision 11.

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

Page 4, after line 14, insert:

"Sec. 6. Minnesota Statutes 1980, Section 462A.07, is amended by adding a subdivision to read:

Subd. 16. It may establish cooperative relationships with municipal housing and redevelopment authorities and municipalities to develop priorities for the use of agency resources and assistance within municipalities, and to consider municipal housing plans and programs in the process of setting the priorities."

Page 5, after line 29, insert:

"Sec. 11. Minnesota Statutes 1980, Section 462C.03, is amended by adding a subdivision to read:

Subd. 10. Notwithstanding any provision of this chapter to the contrary, not more than 20 percent of the aggregate dollar amount of all loans made or purchased within any calendar year under all of a city's housing programs shall be made or purchased without regard to the income limitations of section 462C.03, subdivision 2, and the occupancy limitations of section 462C.05, subdivisions 2 and 4.

Sec. 12. *The provisions of section 11 shall not apply to any programs which were approved or are considered approved pursuant to section 462C.04, subdivision 2, by the Minnesota housing finance agency on or before the day of final enactment.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, before "462A.20" insert "462A.07, by adding a subdivision;"

Page 1, line 10, delete "and"

Page 1, line 10, after the semicolon insert "and 462C.03, by adding a subdivision;"

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

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

S. F. No. 777: A bill for an act relating to taxation; authorizing school district levies for energy conservation measures; amending Minnesota Statutes 1980, Section 275.125, by adding a subdivision.

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

Page 1, line 11, delete "*upon*" and insert "*times*"

Page 1, line 12, before "*assessed*" insert "*adjusted*"

Page 1, line 12, after "*for*" insert "*the preceding year for*"

Page 1, line 17, after "*conservation*" insert "*and renewable energy*"

Page 1, line 25, before the period insert ", *except that for a levy proposed in 1981, only one week's notice is required*"

Page 2, line 2, after "effective" insert "*the day following final enactment*"

Amend the title as follows:

Page 1, line 3, after "conservation" insert "and renewable energy"

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

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

H. F. Nos. 330 and 470 for comparison with companion Senate Files, reports the following House Files were found identical and recommends the House Files be given their second reading and substituted for their companion Senate Files 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.
		330	262		
		470	439		

and that the above Senate Files 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. 525 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
525	350				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 525 be amended as follows:

Strike all the language after the enacting clause of H. F. No. 525 and insert the language after the enacting clause of S. F. No. 350, as amended by the Committee on Agriculture and Natural Resources, adopted by the Senate March 23, 1981; further, strike the title of H. F. No. 525 and insert the title of S. F. No. 350, as amended.

And when so amended H. F. No. 525 will be identical to S. F.No. 350, and further recommends that H. F. No. 525 be given its second reading and substituted for S. F. No. 350, 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 were referred

H. F. Nos. 269 and 521 for comparison with companion Senate Files, reports the following House Files were found not identical with their companion Senate Files 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.
				269	216
521	370				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 269 be amended as follows:

Page 1, line 11, strike "his" and before "household" insert "*a candidate's*"

Page 1, line 11, delete "*his*" and insert "*a candidate's*"

Page 1, line 12, delete "*his*" and insert "*a candidate's*"

And when so amended H. F. No. 269 will be identical to S. F.No. 216, and further recommends that H. F. No. 269 be given its second reading and substituted for S. F. No. 216, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 521 be amended as follows:

Page 2, line 31, delete the comma

And when so amended H. F. No. 521 will be identical to S. F.No. 370, and further recommends that H. F. No. 521 be given its second reading and substituted for S. F. No. 370, 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. 625, 154, 745, 973, 735, 785, 636 and 95 were read the second time.

SECOND READING OF HOUSE BILLS

H. F. Nos. 330, 470, 525, 269 and 521 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Nichols moved that the names of Messrs. Peterson, C.C.; Olhoft; Chmielewski and Mrs. Brataas be added as co-authors to S. F. No. 359. The motion prevailed.

Mr. Lindgren moved that the name of Mr. Solon be added as co-author to S.

F. No. 685. The motion prevailed.

Mr. Sikorski moved that the name of Mr. Dahl be added as co-author to S. F. No. 842. The motion prevailed.

Mr. Stern moved that the name of Mr. Frank be added as co-author to S. F. No. 941. The motion prevailed.

Mr. Rued moved that his name be stricken as co-author to S. F. No. 979. The motion prevailed.

Mr. Pehler moved that the names of Messrs. Wegener, Taylor and Humphrey be added as co-authors to S. F. No. 982. The motion prevailed.

Mr. Sikorski moved that the names of Messrs. Nelson and Penny be added as co-authors to S. F. No. 1038. The motion prevailed.

Mr. Olhoft moved that the name of Mr. Kroening be added as co-author to S. F. No. 1043. The motion prevailed.

Mr. Bertram introduced—

Senate Resolution No. 40: A Senate resolution congratulating the Huskies girls basketball team from Albany High School for winning the 1981 Class A State High School Girls Basketball Consolation Championship.

Referred to the Committee on Rules and Administration.

Mr. Frank moved that the names of Messrs. Merriam and Dahl be added as co-authors to S. F. No. 962. The motion prevailed.

Mr. Johnson moved that S. F. No. 735 be stricken from General Orders and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Sikorski moved that S. F. No. 1038 be withdrawn from the Committee on Education and returned to its author. The motion prevailed.

Mr. Chmielewski moved that S. F. No. 179, No. 1 on the Calendar, be stricken and placed on General Orders. The motion prevailed.

CONFIRMATION

Mr. Solon moved that the following appointment be taken from the table. The motion prevailed.

Mr. Solon moved that in accordance with the report from the Committee on Health, Welfare and Corrections, adopted March 16, 1981, the Senate, having given its advice, do now consent to and confirm the appointment of:

STATE HEALTH COORDINATING COUNCIL CHAIRMAN

George Pettersen, 84 Malcolm SE, Minneapolis, Hennepin County, effective February 25, 1980, for a term expiring February 24, 1982.

The motion prevailed. So the appointment was confirmed.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Davies moved that S. F. No. 446, No. 47 on General Orders, be stricken and re-referred to the Committee on Rules and Administration. The motion prevailed.

CALENDAR

H. F. No. 183: A bill for an act relating to state employees; including the staff of the council on Black Minnesotans within the unclassified civil service; amending Minnesota Statutes 1980, Section 3.9225, Subdivision 5.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 1, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kroening	Penny	Spear
Bang	Dieterich	Kronebusch	Peterson,D.L.	Stern
Belanger	Engler	Lantry	Peterson,R.W.	Stokowski
Benson	Frank	Lessard	Pillsbury	Stumpf
Berg	Frederick	Lindgren	Ramstad	Taylor
Bernhagen	Frederickson	Luther	Renneke	Ulland
Bertram	Hanson	Menning	Rued	Vega
Brataas	Hughes	Merriam	Schmitz	Waldorf
Chmielewski	Humphrey	Moe, D. M.	Setzepfandt	Wegener
Dahl	Johnson	Moe, R. D.	Sieloff	Willet
Davies	Keefe	Nelson	Sikorski	
Davis	Knoll	Pehler	Solon	

Mr. Olhoft voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 44: A bill for an act relating to health; repealing a certain administrative rule of the department of health unconditionally prohibiting double beds in nursing homes and boarding care homes; exempting out of state physicians from licensing regulations under certain conditions; amending Minnesota Statutes 1980, Section 147.09.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Peterson,C.C.	Solon
Bang	Dieterich	Lantry	Peterson,D.L.	Spear
Belanger	Engler	Lessard	Peterson,R.W.	Stern
Benson	Frank	Lindgren	Petty	Stokowski
Berg	Frederick	Luther	Pillsbury	Stumpf
Berglin	Frederickson	Menning	Purfeerst	Taylor
Bernhagen	Hanson	Merriam	Ramstad	Ulland
Bertram	Hughes	Moe, D. M.	Renneke	Vega
Brataas	Humphrey	Moe, R. D.	Rued	Waldorf
Chmielewski	Johnson	Nelson	Schmitz	Wegener
Dahl	Keefe	Olhoft	Setzepfandt	Willet
Davies	Knoll	Pehler	Sieloff	
Davis	Kroening	Penny	Sikorski	

So the bill passed and its title was agreed to.

H. F. No. 45: A bill for an act relating to health; repealing a certain administrative rule of the department of health unconditionally prohibiting the use of locks on patient room doors in nursing homes.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 2, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Langseth	Peterson,C.C.	Solon
Bang	Dieterich	Lantry	Peterson,D.L.	Spear
Belanger	Engler	Lessard	Peterson,R.W.	Stern
Benson	Frank	Lindgren	Petty	Stokowski
Berg	Frederick	Luther	Pillsbury	Stumpf
Berglin	Frederickson	Menning	Purfeerst	Taylor
Bernhagen	Hanson	Merriam	Ramstad	Tennessen
Bertram	Hughes	Moe, D. M.	Renneke	Ulland
Brataas	Humphrey	Moe, R. D.	Rued	Vega
Chmielewski	Johnson	Nelson	Schmitz	Waldorf
Dahl	Keefe	Olhoft	Setzepfandt	Willet
Davies	Knoll	Pehler	Sieloff	
Davis	Kroening	Penny	Sikorski	

Mrs. Kronebusch and Mr. Wegener voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 96: A bill for an act relating to state property; providing for the conveyance to Kandiyohi County of a residence building in Sibley state park.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Penny	Sikorski
Bang	Dieterich	Langseth	Peterson,C.C.	Solon
Belanger	Engler	Lantry	Peterson,D.L.	Spear
Benson	Frank	Lessard	Peterson,R.W.	Stern
Berg	Frederick	Lindgren	Petty	Stokowski
Berglin	Frederickson	Luther	Pillsbury	Stumpf
Bernhagen	Hanson	Menning	Purfeerst	Taylor
Bertram	Hughes	Merriam	Ramstad	Tennessen
Brataas	Humphrey	Moe, D. M.	Renneke	Ulland
Chmielewski	Johnson	Moe, R. D.	Rued	Vega
Dahl	Keefe	Nelson	Schmitz	Waldorf
Davies	Knoll	Olhoft	Setzepfandt	Wegener
Davis	Kroening	Pehler	Sieloff	Willet

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Tennessen in the chair.

After some time spent therein, the committee arose, and Mr. Tennessen reported that the committee had considered the following:

S. F. Nos. 279, 384, 336, 197, 432, 329, 182, 275, 347, 400, 34, 249, 244, 2, 253, 537, 416, 218, 387 and H. F. Nos. 84, 71, 341 and 40, which the committee recommends to pass.

H. F. No. 201, which the committee recommends to pass, subject to the following motion:

Mr. Davis moved that the amendment made to H. F. No. 201 by the Committee on Rules and Administration in the report adopted March 12, 1981, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

S. F. No. 365, which the committee recommends to pass with the following amendment offered by Mr. Spear:

Page 1, line 17, delete "*an*" and insert "*a*"

Page 1, lines 18 and 20, delete "*approved*" and insert "*registered*"

Page 1, line 21, delete "APPROVED" and insert "REGISTERED"

Page 1, line 25, delete "*Approved*" and insert "*Registered*"

Page 2, lines 14 and 19, delete "*An approved*" and insert "*A registered*"

Page 2, line 23, delete "APPROVAL PROCESS" and insert "REGISTRATION"

Page 2, line 25, delete "*an approved*" and insert "*a registered*"

Page 2, line 26, delete the language after "*organization*"

Page 2, line 27, delete "*thereafter*"

Page 2, line 29, delete "*determine*" and insert "*identify*"

Page 2, line 36, delete "*this*" and after "*chapter*" insert "*309*"

Page 3, line 2, after the period, insert "*The commissioner shall consult with the attorney general to determine if the combined charitable organization and its charitable agencies are in compliance with chapter 309.*"

Page 3, line 7, delete "*Approved*" and insert "*Registered*"

Page 3, line 9, delete "*grant*" and insert "*register*"

Page 3, line 10, delete "*approval to*"

Page 3, after line 10, insert:

"Sec. 3. [RULES.]

The commissioner shall promulgate rules to implement the provisions of sections 1 and 2. The rules shall not require the modification of any existing payroll deduction fund drive for state employees previously authorized by section 15.375, subdivision 1."

Page 3, line 15, delete "*and 3*" and insert "*3, and 4*"

Page 3, line 15, delete "*January*" and insert "*March*"

Renumber the sections in sequence

The motion prevailed. So the amendment was adopted.

S. F. No. 208, which the committee recommends to pass with the following amendments offered by Messrs. Nelson and Merriam:

Mr. Nelson moved to amend S. F. No. 208 as follows:

Page 1, line 11, before "*Notwithstanding*" insert "*Subject to the provisions of sections 88.16, 88.17 and 88.22, but*"

Page 1, line 11, after "*any*" insert "*other*"

Page 2, line 1, delete "*or in any area where open*" and insert a period

Page 2, delete lines 2 and 3

The motion prevailed. So the amendment was adopted.

Mr. Merriam moved to amend S. F. No. 208 as follows:

Page 2, after line 3, insert:

"*Any town or city adopting an ordinance pursuant to this subdivision, within one year after its adoption, shall establish a leaf composting system. The pollution control agency, upon request, shall provide technical assistance in designing and operating the system.*"

The motion prevailed. So the amendment was adopted.

S. F. No. 263, which the committee recommends to pass with the following amendment offered by Mr. Penny:

Page 1, line 24, delete "*in the right front or rear seats*" and insert "*according to the manufacturer's instructions*"

Page 1, line 26, delete "*according to the manufacturer's instructions*"

The motion prevailed. So the amendment was adopted.

H. F. No. 173, which the committee recommends to pass with the following amendment offered by Mr. Pillsbury:

Amend H.F. No. 173, as amended pursuant to Rule 49, adopted by the Senate March 19, 1981, as follows:

(The text of the amended House File is identical to S.F. No. 264.)

Page 3, line 33, strike "declared"

Page 3, line 34, strike "to be"

Page 4, line 4, after "secure" insert "*personal care and training*"

Page 4, line 5, strike "personal care and training"

Page 7, after line 22, insert:

"Sec. 11. Minnesota Statutes 1980, Section 519.05, is amended to read:

519.05 [LIABILITY OF HUSBAND AND WIFE.]

~~No married woman shall be~~ *A spouse is not* liable for any debts of ~~her husband, nor shall any married man be liable for any torts, debts, or contracts of his wife, committed or entered into either before or during coverture~~ *the other spouse*, except for necessaries furnished to the ~~wife~~ *other* after marriage,

where ~~he~~ *the spouse* would be liable at common law. Where husband and wife are living together, they shall be jointly and severally liable for all necessary household articles and supplies furnished to and used by the family."

Page 7, line 29, delete "*persons*" and insert "*of their*"

Page 9, line 16, after "Before" strike "any" and after the stricken "such" insert "*a*"

Page 9, line 16, after "receives" strike "any"

Page 9, lines 17 and 28, strike "any such" and insert "*the*"

Page 9, line 34, strike "husband"

Page 9, line 34, delete "*or wife*" and insert "*spouse*"

Page 9, line 34, strike "his"

Page 9, line 34, delete "*or her*" and insert "*the*"

Page 10, line 6, reinstate "A"

Page 10, line 6, delete "*people*" and insert "*person*"

Page 10, line 7, delete "*their*" and insert "*a*"

Page 10, line 27, strike "such" and insert "*the*"

Page 10, line 28, strike "such condition as" and insert "*the conditions*"

Page 11, line 30, reinstate "witness" and delete "*Witnesses*"

Page 11, line 30, before "witness" insert "*A*"

Page 11, line 31, strike "refuse" and insert "*refuses*"

Page 11, line 32, delete "*they*"

Page 11, line 32, strike "shall comply" and insert "*the witness complies*"

Page 11, line 33, strike "be" and insert "*is*"

Page 11, line 34, strike "shall receive such compensation"

Page 11, line 35, strike "as" and insert "*shall receive the compensation*"

Page 11, line 35, strike "shall"

Page 11, line 36, strike "direct" and insert "*directs*"

Page 12, line 21, strike "shall so fail" and insert "*fails*"

Page 12, line 22, delete "*the*"

Page 12, line 24, strike "shall apply" and insert "*applies*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 10, after "510.06;" insert "519.05;"

The motion prevailed. So the amendment was adopted.

S. F. No. 454, which the committee recommends to pass with the following amendment offered by Ms. Berglin:

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

Page 5, line 4, delete "*August 1, 1981,*" and insert "*the day following final enactment*"

The motion prevailed. So the amendment was adopted.

S. F. No. 375, which the committee recommends to pass with the following amendment offered by Mr. Belanger:

Page 3, line 36, delete "*section 4*" and insert "*this act*"

Page 12, after line 13, insert:

"Sec. 10. [EXISTING HEALTH SERVICE PROGRAMS NOT AFFECTED.]

This act does not affect the eligibility of any statutory or home rule charter city of the first or second class to receive a subsidy pursuant to the provisions of Minnesota Statutes, Section 145.917 or otherwise affect the authority of any such city to operate or to continue to operate a health service program."

Renumber the sections in sequence

The motion prevailed. So the amendment was adopted.

S. F. No. 331, which the committee recommends to pass with the following amendment offered by Mr. Wegener:

Page 1, after line 24, insert:

"Sec. 2. [EFFECTIVE DATE.] *Section 1 is effective on the date after final enactment.*"

Amend the title as follows:

Page 1, lines 4 and 5, delete "acquire services for the morale of troops serving" and insert "provide an enlisted persons service center"

The motion prevailed. So the amendment was adopted.

S. F. No. 354, which the committee recommends to pass with the following amendment offered by Mr. Peterson, C.C.:

Page 22, line 15, after "*4,*" insert "*6, 7,*"

The motion prevailed. So the amendment was adopted.

S. F. No. 560, which the committee reports progress, subject to the following motion:

Mr. Hughes moved to amend S. F. No. 560 as follows:

Page 1, after line 15, insert:

"Sec. 2. [APPLICATION.]

This act is effective in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington."

Renumber the sections in sequence.

The motion prevailed. So the amendment was adopted.

S. F. No. 560 was then progressed.

On motion of Mr. Tennessen, the report of the Committee of the Whole, as

kept by the Secretary, was adopted.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Merriam, Vega and Renneke introduced—

S.F. No. 1045: A bill for an act relating to elections; providing for preparation of consolidated primary election ballots by counties at state expense; appropriating money; amending Minnesota Statutes 1980, Section 203A.23, Subdivision 1.

Referred to the Committee on Elections and Reapportionment.

Messrs. Hughes, Langseth, Lindgren and Peterson, D.L. introduced—

S.F. No. 1046: A bill for an act relating to education; continuing the responsibility of educational cooperative service units to establish and maintain an educational planning task force; amending Minnesota Statutes 1980, Section 122.86.

Referred to the Committee on Education.

Mr. Peterson, R.W. introduced—

S.F. No. 1047: A bill for an act relating to negligent fires; altering minimum sentences for negligent fires; amending Minnesota Statutes 1980, Section 609.576.

Referred to the Committee on Judiciary.

Mr. Waldorf introduced—

S.F. No. 1048: A bill for an act relating to public utilities; prohibiting the averaging of rates by natural gas utilities; proposing new law coded in Minnesota Statutes, Chapter 216B.

Referred to the Committee on Commerce.

Messrs. Ulland and Sieloff introduced—

S.F. No. 1049: A bill for an act relating to energy; providing loans to communities for district heating systems; clarifying authority for municipalities to own and operate district heating systems; providing authority for city governments to authorize district heating improvements; expanding the definition of district heating systems to include cogeneration facilities; appropriating money; authorizing sale of bonds; amending Minnesota Statutes 1980, Sections 412.351; 412.361, Subdivision 3; and 429.021, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapters 116H and 465.

Referred to the Committee on Energy and Housing.

Messrs. Hanson, Sieloff, Lessard and Keefe introduced—

S.F. No. 1050: A bill for an act relating to statute of limitations; providing a

limitation on actions against land surveyors; proposing new law coded in Minnesota Statutes, Chapter 541.

Referred to the Committee on Judiciary.

Messrs. Solon and Ulland introduced—

S.F. No. 1051: A bill for an act relating to transportation; providing for continuing Amtrak rail passenger service between Duluth and the Twin Cities metropolitan area; appropriating money.

Referred to the Committee on Transportation.

Messrs. Peterson, C.C.; Renneke and Pehler introduced—

S.F. No. 1052: A bill for an act relating to retirement; highway patrol benefits and refunds; amending Minnesota Statutes 1980, Sections 352B.08, Subdivision 2; and 352B.11, Subdivisions 1 and 2.

Referred to the Committee on Public Employees and Pensions.

Messrs. Peterson, C.C.; Renneke and Pehler introduced—

S.F. No. 1053: A bill for an act relating to retirement; providing annual benefit increases to pre-1973 retirees and surviving spouses of the highway patrolmen's retirement fund; appropriating funds; proposing new law coded in Minnesota Statutes, Chapter 352B.

Referred to the Committee on Public Employees and Pensions.

Mr. Frank introduced—

S.F. No. 1054: A bill for an act relating to insurance; proscribing certain discriminatory practices relating to price quotations to agents and brokers; amending Minnesota Statutes 1980, Section 72A.20, by adding a subdivision.

Referred to the Committee on Commerce.

Messrs. Berg and Setzepfandt introduced—

S.F. No. 1055: A bill for an act relating to state trails; authorizing the sale of certain lands acquired for the Luce Line Trail.

Referred to the Committee on Agriculture and Natural Resources.

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

S.F. No. 1056: A bill for an act relating to the state civil service; providing for the apportionment of veteran's preference points; amending Minnesota Statutes 1980, Section 43.30.

Referred to the Committee on Governmental Operations.

Messrs. Schmitz and Waldorf introduced—

S.F. No. 1057: A bill for an act relating to the state fire marshal; deleting references to a dedicated fund and to archaic misdemeanor fines; repealing

obsolete statutory requirements pertaining to flammable liquids, fire extinguishers, doors of buildings, and theaters; correcting an erroneous designation of responsibility concerning fire insurance premium returns; setting a penalty; amending Minnesota Statutes 1980, Sections 299F.011, Subdivision 1; 299F.19; 299F.20; 299F.21; 299F.22; 299F.23; 299F.24; 299F.26, Subdivision 1; 299F.29; 299F.31; 299F.36, Subdivision 2; 299F.391, Subdivision 1; and 299F.46, Subdivision 1; repealing Minnesota Statutes 1980, Sections 299F.011, Subdivision 2; 299F.27; 299G.10; 299H.01; 299H.02; and 299H.28, Subdivision 1.

Referred to the Committee on Governmental Operations.

Messrs. Belanger; Stern; Johnson; Moe, R.D. and Lindgren introduced—

S.F. No. 1058: A bill for an act relating to elections; authorizing the validation of absentee ballots by judges of absentee ballot precincts; amending Minnesota Statutes 1980, Sections 207.11, Subdivisions 1 and 5; and 207.30, Subdivision 3.

Referred to the Committee on Elections and Reapportionment.

Mr. Lessard introduced—

S.F. No. 1059: A bill for an act relating to courts; providing that the chief judge of each judicial district shall be a district court judge and that the assistant chief judge shall be a judge of county, county municipal or probate court; requiring consent of the affected judge before assignment to a court other than the one the judge serves; amending Minnesota Statutes 1980, Section 484.69, Subdivisions 2 and 3.

Referred to the Committee on Judiciary.

Messrs. Tennessen and Davies introduced—

S.F. No. 1060: A bill for an act relating to courts; abolishing the office of referee; providing for continuance of certain referee positions for a limited time; providing for continuance of certain judicial officer positions for a limited time; abolishing the office of court commissioner; providing for continuance of the Ramsey county court commissioner position for a limited time; amending Minnesota Statutes 1980, Sections 260.031, Subdivision 1, and by adding a subdivision; 484.70, Subdivision 1, and by adding subdivisions; 487.08, Subdivisions 2 and 3, and by adding a subdivision; 489.01; 525.10; repealing Minnesota Statutes 1980, Sections 484.67; 484.70, Subdivisions 2, 3, 4 and 5; 487.08, Subdivision 4; 487.09; and 489.05.

Referred to the Committee on Judiciary.

Messrs. Wegener, Dieterich, Hughes, Langseth and Rued introduced—

S.F. No. 1061: A bill for an act relating to education; maintaining a low-power television transmission project; authorizing the department of education to hire consultants to review the existing low-power television transmission project, study the need for expanding the project, recommend sites and procedures for additional projects, and assist school districts in applying for federal communications licenses; appropriating money.

Referred to the Committee on Education.

Mr. Dicklich introduced—

S.F. No. 1062: A bill for an act relating to local government; exempting certain small cities from the per capita tax levy limitation; amending Minnesota Statutes 1980, Section 275.11, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Hughes, Merriam, Wegener and Langseth introduced—

S.F. No. 1063: A bill for an act relating to watershed districts; limiting assessment of properties contributing water to a proposed watershed improvement; amending Minnesota Statutes 1980, Section 112.501, Subdivision 2, and by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Bertram, Nelson and Dieterich introduced—

S.F. No. 1064: A bill for an act relating to crimes; changing certain penalties and enforcement procedures in the fair campaign practices act; amending Minnesota Statutes 1980, Sections 210A.37 and 210A.42.

Referred to the Committee on Elections and Reapportionment.

Messrs. Chmielewski, Schmitz, Mrs. Kronebusch and Mr. Belanger introduced—

S.F. No. 1065: A bill for an act relating to housing; establishing a veterans housing assistance program in the department of veterans affairs; abolishing the veterans housing assistance program of the housing finance agency; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 196; repealing Minnesota Statutes 1980, Section 462A.05, Subdivision 19.

Referred to the Committee on Energy and Housing.

Ms. Berglin introduced—

S.F. No. 1066: A bill for an act relating to franchises; requiring motor fuel franchises to extend to and bind the successors of both parties; proposing new law coded in Minnesota Statutes, Chapter 80C.

Referred to the Committee on Commerce.

Mr. Davies introduced—

S.F. No. 1067: A bill for an act relating to taxation; eliminating the required appeal to the county board of equalization prior to appeal to the small claims division of the tax court; allowing claims that property has been assessed unfairly in comparison with other property in the school district to be determined by the district court; amending Minnesota Statutes 1980, Sections 271.21, Subdivision 4, and 278.01, Subdivision 1.

Referred to the Committee on Judiciary.

Messrs. Moe, R.D. and Hanson introduced—

S.F. No. 1068: A bill for an act relating to agriculture; authorizing gradual increases in assessments for potato research and promotion; amending Minnesota Statutes 1980, Section 30.469.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Chmielewski introduced—

S.F. No. 1069: A bill for an act relating to workers' compensation; revising the method for members of the reinsurance association to select a retention limit; changing the indexing provisions for the retention limits of the reinsurance association; increasing the prefunded limit of the association; providing for the reinsurance association to return excess premiums or collect deficient premiums from association members; changing the limitations of the purchase of workers' compensation reinsurance from private entities; amending Minnesota Statutes 1980, Sections 79.34, Subdivisions 1 and 2; 79.35; and 79.36.

Referred to the Committee on Employment.

Messrs. Hughes and Dahl introduced—

S.F. No. 1070: A bill for an act relating to local government; changing responsibilities for the administration of the Ramsey county court house and Saint Paul city hall building; amending Laws 1974, Chapter 435, Section 3.12; and repealing Laws 1980, Chapter 612, Section 5.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Dicklich introduced—

S.F. No. 1071: A bill for an act relating to resolution of disputes; authorizing establishment of dispute resolution mechanisms; appropriating money; proposing new law coded as Minnesota Statutes, Chapter 494.

Referred to the Committee on Judiciary.

Mr. Dieterich introduced—

S.F. No. 1072: A bill for an act relating to the city of Falcon Heights; authorizing the imposition of a tax on the gross receipts of amusements within the city limits.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Dieterich, Solon and Stumpf introduced—

S.F. No. 1073: A bill for an act relating to transportation; providing for continuing Amtrak rail passenger service between Duluth and the Twin Cities metropolitan area; appropriating money.

Referred to the Committee on Transportation.

Messrs. Merriam; Peterson, R.W. and Humphrey introduced—

S.F. No. 1074: A bill for an act relating to natural resources; extending the

permissible term of agricultural leases of state peat lands; amending Minnesota Statutes 1980, Section 92.50, Subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Frederickson; Davis; Penny; Peterson, D.L. and Rued introduced—

S.F. No. 1075: A bill for an act relating to agriculture; providing for continuation of certain farm tenancies on termination of life estates; proposing new law coded in Minnesota Statutes, Chapter 500.

Referred to the Committee on Judiciary.

Messrs. Hanson, Wegener and Johnson introduced—

S.F. No. 1076: A bill for an act relating to natural resources; raising limitations on values of state timber which may be sold at public auction or informal sale; providing for special auction sales and changing certain other provisions relating to the sale and removal of state timber; amending Minnesota Statutes 1980, Sections 90.031, Subdivision 4; 90.101, Subdivision 1; 90.151, Subdivisions 11 and 13; 90.173; 90.181, Subdivision 2; 90.191, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 90.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Johnson, Ms. Berglin, Mr. Setzepfandt and Mrs. Lantry introduced—

S.F. No. 1077: A bill for an act relating to taxation; real property; adjusting the maximum amount of market value subject to certain homestead classification ratios based upon average sale price of residential homes; amending Minnesota Statutes 1980, Section 273.13, Subdivisions 6 and 7; proposing new law coded in Minnesota Statutes, Chapter 273.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Rued; Wegener; Peterson, C.C.; Chmielewski and Willet introduced—

S.F. No. 1078: A bill for an act relating to game and fish; expanding the list of counties in which the use of snowmobiles may be authorized in connection with taking beaver or otter; amending Minnesota Statutes 1980, Section 100.29, Subdivision 30.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Stern, Spear, Ms. Berglin and Mr. Frederickson introduced—

S.F. No. 1079: A bill for an act relating to retirement; providing for an exemption from membership therein for city managers; proposing new law coded in Minnesota Statutes, Chapter 353.

Referred to the Committee on Public Employees and Pensions.

Messrs. Peterson, C.C.; Lessard; Humphrey; Hanson and Ramstad introduced—

S.F. No. 1080: A bill for an act relating to crimes; increasing the penalty for

intentional and unintentional homicides committed while committing certain felonies; amending Minnesota Statutes 1980, Sections 609.185; 609.19; 609.195; and 609.20.

Referred to the Committee on Judiciary.

Mr. Peterson, C.C. introduced—

S.F. No. 1081: A bill for an act relating to the state auditor; providing funding to be used to prepare the report to the legislature on the general financial condition of the various volunteer firefighters' relief associations; appropriating money.

Referred to the Committee on Public Employees and Pensions.

Messrs. Humphrey, Merriam and Willet introduced—

S.F. No. 1082: A bill for an act relating to natural resources; imposing reclamation requirements on mining and removal of peat; amending Minnesota Statutes 1980, Sections 93.44; 93.46, Subdivision 2; 93.47, Subdivision 2; and 93.481, Subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Solon, Spear, Bang and Stern introduced—

S.F. No. 1083: A bill for an act relating to alcoholic beverages; removing the prohibition against sale on election days; amending Minnesota Statutes 1980, Sections 340.034, Subdivision 1; and 340.14, Subdivision 1.

Referred to the Committee on Commerce.

Messrs. Stern, Solon, Spear and Bang introduced—

S.F. No. 1084: A bill for an act relating to intoxicating liquor; hours for Sunday sale; amending Minnesota Statutes 1980, Section 340.14, Subdivision 5.

Referred to the Committee on Commerce.

Mr. Wegener introduced—

S.F. No. 1085: A bill for an act relating to local government; regulating the appointment, procedures, duties and organization of charter commissions; amending Minnesota Statutes 1980, Sections 410.05; 410.06; 410.07; and 410.12, Subdivision 1.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Humphrey and Johnson introduced—

S.F. No. 1086: A bill for an act relating to special assessments; permitting special assessments for certain residential energy conservation improvements; amending Minnesota Statutes 1980, Section 429.011, by adding a subdivision; and 429.021, Subdivision 1.

Referred to the Committee on Energy and Housing.

Messrs. Davies, Tennessen, Bang, Ashbach and Luther introduced—

S.F. No. 1087: A bill for an act relating to insurance; providing for the examination of certain insurers; requiring certain reports and providing certain alternatives to examinations; authorizing the commissioner to promulgate rules; broadening the commissioner's power to revoke or suspend certificates of authority; expanding certain insurers' investment authority; allowing the commissioner to regulate an insurer's ratio of qualified assets to required liabilities; broadening the coverage of the financial statement requirement; providing for annual audits; providing standards for the investment of assets of insurance companies; allowing the use of certain depositories and systems; providing certain limitations on the acquisition of specified investments and holdings; providing for miscellaneous changes and clarifications; amending Minnesota Statutes 1980, Sections 60A.031, Subdivisions 1, 3, 4, 5, and by adding subdivisions; 60A.05; 60A.11, by adding subdivisions; 60A.13, Subdivisions 1 and 6, and by adding subdivisions; 61A.28, Subdivisions 2, 3, and 6; 61A.282; 61A.29, Subdivision 2; 61A.30; 61A.31, Subdivisions 1 and 3; proposing new law coded in Minnesota Statutes, Chapters 60A and 61A; repealing Minnesota Statutes 1980, Sections 60A.031, Subdivision 2; and 60A.11, Subdivisions 2 to 8.

Referred to the Committee on Commerce.

Mr. Davies introduced—

S.F. No. 1088: A bill for an act relating to real property; providing for the registration of certain possessory estates in real property without court proceedings; providing for a changeover from a certificate of possessory title to a certificate of title after a certain number of years; proposing new law coded as Minnesota Statutes, Chapter 508A.

Referred to the Committee on Judiciary.

Mr. Knutson, by request, introduced—

S.F. No. 1089: A bill for an act relating to public welfare; modifying the liability of counties for reimbursement to the state of the costs of certain state hospital patients; amending Minnesota Statutes 1980, Section 246.54.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Sikorski introduced—

S.F. No. 1090: A bill for an act relating to Washington county; providing for the appointment, powers and compensation of a court commissioner.

Referred to the Committee on Judiciary.

Mr. Sikorski introduced—

S.F. No. 1091: A bill for an act relating to education; providing for a raptor research center at the University of Minnesota; appropriating money.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Sieloff introduced—

S.F. No. 1092: A bill for an act relating to taxation; providing for the collection of taxes; amending Minnesota Statutes 1980, Sections 270.70, Subdivisions 1, 2, 3 and 5, and by adding subdivisions; 290.48, Subdivisions 1, 3 and 4; 290.54; 290.92, Subdivision 6; 297A.33, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 270; and repealing Minnesota Statutes 1980, Sections 290.48, Subdivision 2; 297A.33, Subdivision 6; and 297A.40, Subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Pehler; Setzepfandt; Merriam; Peterson, D.L. and Ulland introduced—

S.F. No. 1093: A bill for an act relating to taxation; income; providing for a deduction for excess costs associated with the employment of disabled persons; amending Minnesota Statutes 1980, Sections 290.01, Subdivision 20; and 290.09, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Mr. Tennessen, by request, introduced—

S.F. No. 1094: A bill for an act relating to courts; providing for certain reorganization of the court system in the state; providing that Hennepin and Ramsey municipal courts shall also be probate courts; abolishing the office of referee; providing for continuance of certain referee positions for a limited time; providing for continuance of certain judicial officer positions for a limited time; abolishing the office of court commissioner; providing for continuance of the Ramsey county court commissioner position for a limited time; amending Minnesota Statutes 1980, Sections 2.722, Subdivision 1, and by adding a subdivision; 260.021, Subdivision 4; 260.031, Subdivision 1, and by adding a subdivision; 484.70, Subdivision 1, and by adding subdivisions; 487.08, Subdivisions 2, 3, and by adding a subdivision; 488A.01, Subdivisions 1, 8, and by adding subdivisions; 488A.18, Subdivisions 1, 9, and by adding subdivisions; 489.01; 525.10; repealing Minnesota Statutes 1980, Sections 260.019; 484.64; 484.65; 484.67; 484.70, Subdivisions 2, 3, 4 and 5; 487.08, Subdivision 4; 487.09; 488A.01, Subdivision 7; 488A.18, Subdivision 8; 489.05; and 525.04.

Referred to the Committee on Judiciary.

Messrs. Moe, R.D.; Johnson; Humphrey and Spear introduced—

S.F. No. 1095: A bill for an act relating to the department of economic security; authorizing financial assistance to community action agencies; defining terms; providing a formula for the distribution of funds; proposing new law coded as Minnesota Statutes, Chapter 268A.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Humphrey and Moe, R.D. introduced—

S.F. No. 1096: A bill for an act relating to energy; authorizing the Minne-

sota energy agency to administer a program of loans to municipalities for establishing and improving district heating systems; authorizing the issuance of state bonds pursuant to Article XI of the Minnesota constitution; appropriating money; amending Minnesota Statutes 1980, Sections 412.321, Subdivision 1; 412.351; 412.361, Subdivision 3; and 429.021, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapters 116H, 216B, and 465.

Referred to the Committee on Energy and Housing.

Mr. Spear introduced—

S.F. No. 1097: A bill for an act relating to intoxicating liquors; authorizing the sale of distilled spirits in miniature containers; proposing new law coded in Minnesota Statutes, Chapter 340.

Referred to the Committee on Commerce.

Mr. Spear introduced—

S.F. No. 1098: A bill for an act relating to crimes; redefining the crime of indecent exposure; prescribing penalties; proposing new law coded in Minnesota Statutes, Chapter 617; repealing Minnesota Statutes 1980, Section 617.23.

Referred to the Committee on Judiciary.

Mr. Spear introduced—

S.F. No. 1099: A bill for an act relating to corrections; authorizing parole of inmates by majority vote of the corrections board; amending Minnesota Statutes 1980, Section 243.05.

Referred to the Committee on Judiciary.

Mr. Olhoft introduced—

S.F. No. 1100: A bill for an act relating to employment, authorizing school boards to establish a merit pay program for teachers; amending Minnesota Statutes 1980, Section 179.66, by adding a subdivision.

Referred to the Committee on Education.

Messrs. Wegener; Peterson, C.C.; Lessard and Setzepfandt introduced—

S.F. No. 1101: A bill for an act relating to economic development; providing for changes in the small business finance agency law to better provide assistance for small business; making technical changes; amending Minnesota Statutes 1980, Sections 362.50, Subdivisions 4, 5, 9 and 10; 362.52, Subdivisions 2 and 4; 362.53, Subdivisions 11, 12, 15 and 17; repealing Minnesota Statutes 1980, Section 362.50, Subdivisions 6 and 7.

Referred to the Committee on Employment.

Mrs. Stokowski and Mr. Frank introduced—

S.F. No. 1102: A bill for an act relating to unemployment compensation;

abolishing the waiting period prior to receipt of benefits; amending Minnesota Statutes 1980, Sections 268.08, Subdivision 1; and 268.231.

Referred to the Committee on Employment.

Mmes. Stokowski and Lantry introduced—

S.F. No. 1103: A bill for an act relating to nursing homes; requiring the installation of automatic sprinkler systems; authorizing the small business finance agency to make certain loans; amending Minnesota Statutes 1980, Sections 144A.08, Subdivision 1; and 362.52, by adding a subdivision.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Dahl and Davies introduced—

S.F. No. 1104: A bill for an act relating to the public defender; establishing the board of public defense; transferring public defender responsibilities from the judicial council to the board of public defense; abolishing the judicial council; amending Minnesota Statutes 1980, Sections 611.23; 611.24; 611.26, Subdivisions 1, 2, 3, 4, and 5; proposing new law coded in Minnesota Statutes, Chapter 611; repealing Minnesota Statutes 1980, Section 480.053; and Chapter 483.

Referred to the Committee on Judiciary.

Messrs. Hughes, Dieterich and Rued introduced—

S.F. No. 1105: A bill for an act relating to education; establishing an improved learning program; authorizing the state board of education to approve improved learning programs; providing for a report by the department of education to the legislature; establishing local advisory councils; establishing mandatory and optional program components; providing for state aid to districts establishing an improved learning program; appropriating money; proposing new law coded in Minnesota Statutes, Chapters 3 and 124.

Referred to the Committee on Education.

Mr. Moe, D.M. introduced—

S.F. No. 1106: A bill for an act relating to retirement; clarifying certain ambiguous provisions; correcting certain oversights, inconsistencies, unintended results and erroneous provisions; eliminating certain redundant, obsolete or conflicting provisions; amending Minnesota Statutes 1980, Sections 3.85, Subdivision 3; 3A.01, Subdivisions 2 and 7; 3A.02, Subdivision 1; 3A.04, Subdivisions 1, 1a, 2 and 4; 3A.05; 3A.09; 3A.11, Subdivisions 1 and 2; 3A.12, Subdivision 1; 11A.17, Subdivision 11; 11A.23, Subdivision 2; 15A.083, Subdivision 3; 16A.19; 69.011, Subdivision 1; 69.031, Subdivisions 5 and 6; 69.051, Subdivision 1; 69.77, Subdivisions 1, 1a, 2 and 2a; 69.772, Subdivisions 2 and 2a; 69.773, Subdivision 2; 118.01, Subdivision 11; 136.80, Subdivision 1; 136.81; 136.82; 136.83; 136.85; 136.87, Subdivisions 1 and 2; 275.125, Subdivision 6a; 275.50, Subdivision 5; 352.01, Subdivisions 2A, 11, 19 and 23; 352.029, Subdivision 1; 352.03, Subdivision 6; 352.113, Subdivision 4; 352.115, Subdivision 10; 352.116, Subdivision 3; 352.12, Subdivision 11; 352.22, Subdivisions 2a, 3 and 10; 352.72, Subdivi-

sions 2 and 4; 352.75; 352.85, by adding a subdivision; 352.90; 352.91, Subdivision 2; 352B.02, Subdivision 1; 352B.075, Subdivision 1; 352B.08, Subdivision 2; 352B.11, Subdivision 2; 352B.26, Subdivisions 1 and 3; 352C.031, by adding a subdivision; 352C.04, Subdivision 1; 352D.02, Subdivisions 1 and 2; 352D.04, Subdivision 2; 352D.09, Subdivision 1; 352E.01, Subdivision 1; 353.01, Subdivisions 6, 7 and 10; 353.023; 353.03, Subdivision 1; 353.16; 353.28, Subdivisions 6 and 8; 353.29, Subdivision 4; 353.30, Subdivision 1c; 353.31, Subdivisions 1 and 9; 353.32, Subdivision 1a; 353.33, Subdivision 2; 353.34, Subdivision 3; 353.36, Subdivision 2; 353.37, Subdivisions 1 and 1a; 353.46, Subdivision 1a, and by adding a subdivision; 353.64, by adding a subdivision; 353.656, Subdivision 6; 353.71, Subdivision 1; 354.05, Subdivisions 2, 13, 24, 25 and 26; 354.06, Subdivision 1; 354.07, Subdivision 1; 354.091; 354.092; 354.094; 354.43, Subdivision 4; 354.44, Subdivisions 1a, 4, 5, 6, 7 and 8; 354.47, Subdivision 1; 354.48, Subdivision 10, and by adding a subdivision; 354.50, Subdivision 2; 354.51, Subdivisions 1, 4 and 5; 354.52, Subdivisions 2, 3 and 4; 354.53, Subdivisions 1 and 3; 354.55, Subdivision 11; 354.56; 354.57; 354.60; 354.62, Subdivision 5; 354.66; 354.69; 354A.011, Subdivision 27; 354A.091, Subdivisions 1 and 6; 354A.092; 354A.094, Subdivisions 3, 8, 11, and by adding a subdivision; 354A.31, Subdivision 3; 354A.35, Subdivisions 2 and 3; 355.07; 355.11, Subdivisions 2, 4 and 5; 355.13, Subdivision 2; 355.21, Subdivisions 2 and 4; 355.22; 355.23, Subdivision 1; 355.29, Subdivisions 1, 3 and 4; 355.311, Subdivisions 1, 2 and 4; 355.41, Subdivisions 2, 3, 4 and 7; 355.46, Subdivision 3; 355.71, Subdivision 6; 355.72; 356.18, Subdivision 1; 356.20; 356.215; 356.216; 356.22, Subdivision 1; 356.24; 356.25; 356.32, Subdivision 1; 356.39; 356.45, Subdivision 2; 356.60, Subdivision 1; 422A.01, Subdivision 11; 422A.06, Subdivisions 2, 3 and 5; 422A.08, Subdivisions 1 and 5; 422A.09, Subdivision 3; 422A.101; 422A.11, Subdivision 1; 422A.15, Subdivision 1; 422A.16, Subdivision 8; 422A.22, Subdivision 2; 422A.23, Subdivision 5; 422A.24; 422A.26; 423.075, Subdivision 1; 423.38; 423.801, Subdivision 2; 423.802; 423.805; 423.806, Subdivision 1;; 43.807, Subdivisions 1 and 2; 423.808; 423.809, Subdivisions 1 and 2; 423.810, Subdivision 1; 423.815, Subdivision 1; 423A.04; 424A.01, Subdivision 2; 424A.02, Subdivisions 1, 3, 4, 8 and 9; 424A.04; 424A.05, Subdivisions 1 and 3; 458.18, Subdivision 1; 484.61; 484.68, Subdivision 8; 488A.115; 488A.285; 490.101, Subdivision 2; 490.106; 490.107; 490.12, by adding a subdivision; 490.121, Subdivisions 1, 4, 6 and 7; 490.122; 490.123, Subdivision 1; 490.124, Subdivisions 1, 2, 6 and 10; 490.126, Subdivision 1; 490.129; and 490.132; Laws 1955, Chapter 75, Section 12, Subdivision 2, as amended; Laws 1959, Chapter 131, Section 10, Subdivision 1, as amended; Laws 1965, Chapters 446, Section 7, Subdivision 1, as amended; 458, Section 3, Subdivision 2, as amended; and 498, Section 1, Subdivision 1, as amended; Laws 1967, Chapters 575, Section 9, Subdivision 2; 742, Section 2; 775, Section 8, as amended; 798, Section 1, Subdivision 1, as amended; and 815, Section 8, Subdivision 1; Laws 1969, Chapters 526, Section 11, Subdivision 1; 576, Section 1, Subdivision 1, as amended; 641, Section 2, Subdivision 1, as amended; 719, Section 2; 1088, Section 8, Subdivision 1, as amended; and 1105, Section 4; Laws 1971, Chapters 51, Sections 9, as amended, and 10, Subdivision 2, as amended; 114, Section 8, Subdivision 1; 184, Sections 4 and 5; 214, Section 10; 407, Section 1, Subdivisions 2 and 3; 614, Section 2; and 810, Section 7, as amended; Laws 1973, Chapters 304, Section 3, Subdivision 1; and 587, Section 1, Subdivisions 3, as amended, and 5, as amended; Laws 1974, Chapter 251, Section 1, Subdivisions 2 and 3; Laws 1975, Chapter 424, Section 11, as amended; Laws 1976, Chapter 36, Sections 2, 3 and 4; Laws 1977, Chapter 61, Section 5,

Subdivision 2, as amended; and Laws 1978, Chapter 689, Sections 4, Subdivision 2, and 8; proposing new law coded in Minnesota Statutes, Chapters 345, 352, 353, 355 and 356; repealing Minnesota Statutes 1980, Sections 136.86; 352.115, Subdivision 13; 352.1181; 352D.10; 354.09, Subdivisions 1 and 4; 354.41, Subdivisions 3, 6 and 8; 355.302; 355.303; 355.304; 355.305; 355.306; 355.307; 355.308; 355.309; 355.53; 355.73, Subdivisions 5, 6 and 7; 356.18, Subdivision 2; 422A.01, Subdivisions 14, 15 and 16; 422A.08, Subdivisions 2, 3, 4 and 6; 422A.081; 422A.091; 422A.30; 422A.31; 422A.32; 422A.33; 422A.34; 422A.35; 422A.39; 423.075, Subdivision 2; 423.815, Subdivision 3; 487.06; 490.104; 490.127; 490.128; and 490.13; Laws 1969, Chapter 252; Laws 1973, Chapter 481; Laws 1975, Chapter 429; Laws 1978, Chapter 538, Section 6; and Laws 1980, Chapters 342, Section 20; and 509, Section 135.

Referred to the Committee on Public Employees and Pensions.

Mr. Waldorf introduced—

S.F. No. 1107: A bill for an act relating to public welfare; authorizing the commissioner of public welfare to use money in the revolving fund for vocational rehabilitation of the blind for certain purposes; removing the preference given to blind operators of vending machines who have resided in the state for a year; amending Minnesota Statutes 1980, Section 248.07, Subdivision 8.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Chmielewski introduced—

S.F. No. 1108: A bill for an act relating to unemployment compensation; changing the time period for an appeal from a decision of the commissioner; amending Minnesota Statutes 1980, Section 268.10, Subdivision 8.

Referred to the Committee on Employment.

Mr. Chmielewski introduced—

S.F. No. 1109: A bill for an act relating to wild animals; prescribing requirements for carrying firearms under certain conditions; amending Minnesota Statutes 1980, Section 100.29, Subdivisions 3 and 9.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Wegener, Lessard, Langseth and Spear introduced—

S.F. No. 1110: A bill for an act relating to teachers' retirement funds; creating a study commission.

Referred to the Committee on Public Employees and Pensions.

Mrs. Lantry, Messrs. Stern, Knoll, Belanger and Mrs. Kronebusch introduced—

S.F. No. 1111: A bill for an act relating to public safety; providing for the issuance of driver's licenses and Minnesota identification cards; eliminating the requirement that the licenses and cards be plastic with embossed identification information; amending Minnesota Statutes 1980, Section 171.07, Sub-

divisions 1 and 3.

Referred to the Committee on Transportation.

Mr. Davies introduced—

S.F. No. 1112: A bill for an act relating to costs and attorney fees; providing for recovery of costs and attorney fees by prevailing parties in civil actions against the state and political subdivisions and in administrative contested cases; proposing new law coded in Minnesota Statutes, Chapters 3 and 15.

Referred to the Committee on Judiciary.

Messrs. Dieterich, Stumpf and Petty introduced—

S.F. No. 1113: A bill for an act relating to education; establishing a state board for technical institutes and community colleges; requesting the release of the technical colleges from the University of Minnesota; transferring powers, duties and functions from school districts, school boards, the state board for vocational education, and the state board for community colleges to the state board for technical institutes and community colleges; appropriating money; proposing new law coded as Minnesota Statutes, Chapter 135A.

Referred to the Committee on Education.

Mr. Davies introduced—

S.F. No. 1114: A bill for an act relating to courts; requiring notice to remove a judge to be made on the day set for trial before any other motions; amending Minnesota Statutes 1980, Sections 487.40, Subdivision 2; and 542.16, Subdivision 1.

Referred to the Committee on Judiciary.

Mr. Davies introduced—

S.F. No. 1115: A bill for an act relating to municipal industrial development; stating municipal and redevelopment agency powers; requiring that industrial development projects be located within the territory of the municipality or redevelopment agency; amending Minnesota Statutes 1980, Section 474.03.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Davies introduced—

S.F. No. 1116: A bill for an act relating to municipal industrial development; prohibiting purchase of industrial development bonds by certain benefited parties; amending Minnesota Statutes 1980, Section 474.06.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Ashbach and Dahl introduced—

S.F. No. 1117: A bill for an act relating to education; authorizing Independent School District No. 621 to transfer the proceeds of certain sales of school

buildings and real property from the debt retirement fund to the capital expenditure fund; authorizing the district to place the proceeds of certain other sales of school buildings and real property into the capital expenditure fund.

Referred to the Committee on Education.

Mr. Moe, R.D., by request, introduced—

S.F. No. 1118: A bill for an act relating to local government; removing a limit on advertising budgets of certain statutory cities; amending Minnesota Statutes 1980, Section 465.56, Subdivision 1; repealing Minnesota Statutes 1980, Section 465.56, Subdivision 2.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Sikorski, Penny and Nelson introduced—

S.F. No. 1119: A bill for an act relating to education; authorizing school districts to levy the amount of the regional average grandfather levy; providing matching foundation aid; providing foundation aid for the 1982-1983 school year; amending Minnesota Statutes 1980, Sections 124.212, by adding a subdivision; and 275.125, by adding a subdivision.

Referred to the Committee on Education.

Mr. Dicklich introduced—

S.F. No. 1120: A bill for an act relating to retirement; city of Chisholm police and firefighters' relief associations; increasing service pensions and survivors' benefits; amending Laws 1945, Chapter 74, Sections 2, as amended, 3, and 4, as amended; and Laws 1961, Chapter 631, Section 1, as amended.

Referred to the Committee on Public Employees and Pensions.

Mr. Hanson introduced—

S.F. No. 1121: A bill for an act relating to Lake of the Woods Independent School District No. 390; establishing subdistricts for the purpose of funding K-6 programs; granting bonding and levy authority; requiring a referendum.

Referred to the Committee on Education.

Messrs. Frank and Schmitz introduced—

S.F. No. 1122: A bill for an act relating to veterans; changing the method of appointment of the administrator of its Minnesota veterans home; amending Minnesota Statutes 1980, Section 198.06

Referred to the Committee on Veterans' Affairs.

Messrs. Peterson, D.L.; Frederickson; Davis; Rued and Bertram introduced—

S.F. No. 1123: A bill for an act relating to taxation; authorizing the establishment of education savings accounts; providing that contributions to an

account which are used exclusively in connection with the educational expenses of a child are deductible for income tax purposes; providing tax penalties; amending Minnesota Statutes 1980, Sections 48.159, by adding a subdivision; 50.157, by adding a subdivision; 51A.21, by adding a subdivision; 290.09, by adding a subdivision; 290.17, Subdivision 2; and proposing new law coded in Minnesota Statutes, Chapter 52.

Referred to the Committee on Taxes and Tax Laws.

Mr. Frank introduced—

S.F. No. 1124: A bill for an act relating to counties; providing county licensing requirements for building contractors; proposing new law coded in Minnesota Statutes, Chapter 373.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Belanger, Stern, Hanson, Langseth and Lindgren introduced—

S.F. No. 1125: A bill for an act relating to elections; authorizing use of electronic voting systems for absentee voting; imposing rule-making duties on the secretary of state; proposing new law coded in Minnesota Statutes, Chapter 207.

Referred to the Committee on Elections and Reapportionment.

Mr. Ulland introduced—

S.F. No. 1126: A bill for an act relating to insurance; providing for continued health and accident coverage for former spouses after dissolution of the marriage in certain circumstances; amending Minnesota Statutes 1980, Section 62A.21.

Referred to the Committee on Commerce.

Mr. Ulland introduced—

S.F. No. 1127: A bill for an act relating to forestry; cutting, removal and transportation of decorative trees; amending Minnesota Statutes 1980, Sections 88.642; and 88.648; repealing Minnesota Statutes 1980, Sections 88.643; 88.644; 88.646; and 88.649.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Ulland introduced—

S.F. No. 1128: A bill for an act relating to the operation of state government; abolishing certain boards, commissions, and other bodies; proposing new law coded in Minnesota Statutes, Chapter 15.

Referred to the Committee on Governmental Operations.

Mrs. Brataas, Messrs. Frederick and Lessard introduced—

S.F. No. 1129: A bill for an act relating to taxation; exempting certain airport property of municipalities from the property user tax on exempt prop-

erty; amending Minnesota Statutes 1980, Section 272.01, Subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Mr. Nichols introduced—

S.F. No. 1130: A bill for an act relating to real estate; directing the release of a certain state owned easement.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Kroening, Belanger and Stern introduced—

S.F. No. 1131: A bill for an act relating to elections; authorizing changing of certain precinct boundaries; amending Minnesota Statutes 1980, Section 204A.06, Subdivision 1.

Referred to the Committee on Elections and Reapportionment.

Messrs. Hughes, Langseth, Ramstad and Mrs. Stokowski introduced—

S.F. No. 1132: A bill for an act relating to education; allowing area vocational-technical institutes to grant degrees under certain conditions; proposing new law coded in Minnesota Statutes, Chapter 121.

Referred to the Committee on Education.

Messrs. Hughes, Schmitz, Langseth and Frederickson introduced—

S.F. No. 1133: A bill for an act relating to retirement; Minnesota state retirement system; authorizing certain persons to purchase prior service credit.

Referred to the Committee on Public Employees and Pensions.

Mr. Hughes introduced—

S.F. No. 1134: A bill for an act relating to crimes; specifying the crime of mail, telegraph and telephone harassment; prescribing penalties; proposing new law coded in Minnesota Statutes, Chapter 609.

Referred to the Committee on Judiciary.

Messrs. Hughes, Wegener and Mrs. Stokowski introduced—

S.F. No. 1135: A bill for an act relating to education; providing for comprehensive planning by post-secondary institutions; requiring reports; amending Minnesota Statutes 1980, Sections 121.21, by adding a subdivision; 136.14; 136.62, by adding a subdivision; and 136A.16, by adding a subdivision.

Referred to the Committee on Education.

Mr. Hanson introduced—

S.F. No. 1136: A bill for an act relating to education; providing matching funds for capital expenditures made by Lake of the Woods Independent School District No. 390; appropriating money.

Referred to the Committee on Education.

Messrs. Hanson, Lessard and Johnson introduced—

S.F. No. 1137: A bill for an act relating to education; authorizing school districts with more than 1,000 square miles to receive an increased amount of money from the sparsity portion of the replacement levy; amending Minnesota Statutes 1980, Section 124.212, Subdivision 7d.

Referred to the Committee on Education.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Mr. Stumpf moved that S. F. No. 678 be withdrawn from the Committee on Local Government and Urban Affairs and re-referred to the Committee on Veterans' Affairs. The motion prevailed.

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:30 a.m., Wednesday, April 1, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TWENTY-EIGHTH DAY

St. Paul, Minnesota, Wednesday, April 1, 1981

The Senate met at 11:30 a.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Robert Babbitt.

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

Ashbach	Dicklich	Kroening	Olhoft	Sikorski
Bang	Dieterich	Kronebusch	Pehler	Solon
Belanger	Engler	Langseth	Penny	Stern
Benson	Frank	Lantry	Peterson, R.W.	Stokowski
Berg	Frederick	Lessard	Petty	Stumpf
Berglin	Frederickson	Lindgren	Pillsbury	Taylor
Bernhagen	Hanson	Luther	Purfeerst	Tennessen
Bertram	Hughes	Menning	Ramstad	Ulland
Brataas	Humphrey	Merriam	Rued	Vega
Chmielewski	Johnson	Moe, D.M.	Schmitz	Waldorf
Davies	Knoll	Moe, R.D.	Setzepfandt	Wegener
Davis	Knutson	Nelson	Sieloff	Willet

The President declared a quorum present.

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

MEMBERS EXCUSED

Mr. Dahl was excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

March 30, 1981

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

The Honorable Jack Davies
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1981 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1981	Date Filed 1981
	87	10	March 27	March 30
97		11	March 27	March 30
175		12	March 27	March 30

Sincerely,

Joan Anderson Growe
Secretary of State

March 30, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S. F. Nos. 620 and 366.

Sincerely yours,

Albert H. Quie, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of three members of the House, on the amendments adopted by the House to the following Senate File:

S. F. No. 247: A bill for an act relating to metropolitan government; providing for the maximum amount of the borrowing authorization of the metropolitan airports commission; requiring the installation of certain equipment; mandating a noise abatement plan; amending Minnesota Statutes 1980, Sections 473.608, Subdivision 20, and by adding a subdivision; and 473.667, Subdivision 2.

There has been appointed as such committee on the part of the House:

Voss, Skoglund and Schreiber.

Senate File No. 247 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 30, 1981

Mr. President:

I have the honor to announce the adoption by the House of the following House Concurrent Resolution, herewith transmitted:

House Concurrent Resolution No. 2: A House concurrent resolution relating to joint rules; adopting permanent joint rules of the Senate and House of Representatives.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 30, 1981

Mr. Moe, R.D. moved that House Concurrent Resolution No. 2 be referred

to the Committee on Rules and Administration. 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. 171, 211, 214, 296, 297, 329, 420, 591, 305, 306, 356, 378, 150, 371, 601, 603, 443, 471, 539 and 829.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 30, 1981

FIRST READING OF HOUSE BILLS

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

H. F. No. 171: A bill for an act relating to historic sites; changing the classification of the Kensington Runestone historic site; amending Minnesota Statutes 1980, Section 138.56, by adding a subdivision; repealing Minnesota Statutes 1980, Section 138.58, Subdivision 7.

Referred to the Committee on General Legislation and Administrative Rules.

H. F. No. 211: A bill for an act relating to local government; permitting agreements for compensation for transfers of taxable property to the city of Moorhead by certain annexations.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 788, now on General Orders.

H. F. No. 214: A bill for an act relating to labor; regulating certain steam engine and boiler operators; exempting certain operators from testing requirements; amending Minnesota Statutes 1980, Section 183.411.

Referred to the Committee on Governmental Operations.

H. F. No. 296: A bill for an act relating to energy; directing a study of the effect upon energy conservation of smoking in public places.

Referred to the Committee on Energy and Housing.

H. F. No. 297: A bill for an act relating to the town of Great Scott; granting the town certain powers of a municipality.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 253, now on the Calendar.

H. F. No. 329: A bill for an act relating to education; clarifying and removing references to a school district building energy report; repealing an obsolete provision requiring a study and report on school district energy management personnel; amending Minnesota Statutes 1980, Section 116H.126, Subdivisions 2, 4 and 5; repealing Minnesota Statutes 1980, Section 116H.126, Subdivisions 1 and 7.

Referred to the Committee on Energy and Housing.

H. F. No. 420: A bill for an act relating to the bureau of criminal apprehension; including the superintendent within workers' compensation coverage;

amending Minnesota Statutes 1980, Section 299C.19.

Referred to the Committee on Public Employees and Pensions.

H. F. No. 591: A bill for an act relating to the city of St. Paul; repealing the people mover act; repealing Minnesota Statutes 1980, Chapter 458B.

Referred to the Committee on Local Government and Urban Affairs.

H. F. No. 305: A bill for an act relating to crimes; specifying the crime of theft of services; amending Minnesota Statutes 1980, Section 609.52, Subdivisions 1 and 2.

Referred to the Committee on Judiciary.

H. F. No. 306: A bill for an act relating to crimes; establishing the crime of commercial bribery; prescribing penalties; proposing new law coded in Minnesota Statutes, Chapter 609.

Referred to the Committee on Judiciary.

H. F. No. 356: A bill for an act relating to crimes; specifying offenses relating to computers; providing penalties; proposing new law coded in Minnesota Statutes 1980, Chapter 609.

Referred to the Committee on Judiciary.

H. F. No. 378: A bill for an act relating to crimes; authorizing peace officers to make arrest upon probable cause in cases of domestic abuse; amending Minnesota Statutes 1980, Section 629.341, Subdivision 1.

Referred to the Committee on Judiciary.

H. F. No. 150: A bill for an act relating to parks; removing authority to lease certain lands within Tettegouche state park; repealing Laws 1979, Chapter 301, Section 10, Subdivision 7.

Referred to the Committee on Agriculture and Natural Resources.

H. F. No. 371: A bill for an act relating to insurance; prohibiting insurance companies which offer funeral or burial expense policies from designating as beneficiaries under the policies persons who provide funeral or burial services and supplies; removing the prohibition against an insurance company's affiliation with a funeral establishment; proposing new law coded in Minnesota Statutes, Chapter 72A; repealing Minnesota Statutes 1980, Section 72A.321.

Referred to the Committee on Commerce.

H. F. No. 601: A bill for an act relating to cemeteries; requiring public cemeteries having permanent care and improvement funds to file a notice and an annual report with the county auditor; amending Minnesota Statutes 1980, Section 306.761.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 645, now on General Orders.

H. F. No. 603: A bill for an act relating to eminent domain; limiting the authority to acquire certain property by condemnation; repealing certain obsolete provisions of law authorizing acquisition by condemnation; changing certain obsolete language; amending Minnesota Statutes 1980, Sections 84.033; 84.154, Subdivision 3; 84A.10; 84A.39; 84A.55, Subdivision 13;

85.015, Subdivisions 12 and 13; 88.09, Subdivision 2; 89.032, Subdivision 1; 105.39, Subdivision 4; 123.64; 136.65, Subdivision 1; 137.01, Subdivision 2; 137.02, Subdivisions 1 and 3; 190.11; 193.143; 193.144, Subdivisions 2 and 3; 459.06, Subdivision 1; 463.03; and 641.263, Subdivision 2; repealing Minnesota Statutes 1980, Sections 38.05; 85A.02, Subdivision 6; 117.31; 123.40, Subdivision 6; 123.63; 161.29; 163.12; 193.144, Subdivision 4; and 308.39.

Referred to the Committee on Judiciary.

H. F. No. 443: A bill for an act relating to education; specifying the authority of a school board for selection and employment of a superintendent; amending Minnesota Statutes 1980, Section 123.34, Subdivision 9.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 527, now on General Orders.

H. F. No. 471: A bill for an act relating to agriculture; consolidating certain promotional fund accounts; regulating deposit of certain funds; appropriating money; amending Minnesota Statutes 1980, Sections 17.59, Subdivisions 3, 4 and by adding a subdivision; 21A.09, Subdivision 1; 29.17; 30.469; 30.47; 32B.07; and 32B.12.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 244, now on the Calendar.

H. F. No. 539: A bill for an act relating to local government; providing a method for the filling of vacancies on charter commissions; amending Minnesota Statutes 1980, Section 410.05, Subdivision 2.

Referred to the Committee on Local Government and Urban Affairs.

H. F. No. 829: A bill for an act relating to counties; concerning Anoka county; providing for a seven member board of commissioners; amending Minnesota Statutes 1980, Section 375.01.

Referred to the Committee on Local Government and Urban Affairs.

REPORTS OF COMMITTEES

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

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 406: A bill for an act relating to public welfare; authorizing grants to county boards to provide semi-independent living services for mentally retarded persons; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 252.

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

Page 1, after line 23, insert:

"*Subd. 3.* [REIMBURSEMENT.] *On September 1 of each year, the commissioner shall allocate available funds to the counties which have approved plans and budgets. The commissioner shall disburse the funds on a quarterly*

basis during the fiscal year to reimburse counties for costs incurred in providing services to individual clients in accordance with the approved plans and budgets.''

Renumber the subdivisions in sequence

Page 2, line 2, after ''*promulgate*'' insert ''*temporary*'' and after ''*rules*'' insert ''*in accordance with section 15.0412, subdivision 5*''

Page 2, line 11, after ''*legislature*'' insert ''*by December 31, 1982,*''

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

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 519: A bill for an act relating to public welfare; establishing and empowering a board for the blind; transferring certain powers and duties of the commissioner of public welfare to the board; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 248; repealing Minnesota Statutes 1980, Sections 248.07; and 248.08.

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

Page 2, line 4, delete ''*five*'' and insert ''*nine*''

Page 3, delete lines 13 to 16

Renumber the subdivisions in sequence

Page 8, line 16, delete ''*A person may select a licensed*'' and insert ''*The board's official*''

Page 8, line 17, delete ''*to*'' and insert ''*shall*''

Page 9, line 29, delete ''*persons*'' and insert ''*positions*''

Page 9, line 30, delete ''*by*'' and insert ''*with*''

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

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 691: A bill for an act relating to corrections; providing programs for women offenders; establishing an advisory board on women offenders in corrections; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 241.

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

Page 2, delete lines 30 to 36

Page 3, delete lines 1 to 9 and insert:

''*Subdivision 1.* [GRANTS.] *To assist those counties that have existing programs for women offenders, and to encourage counties to develop and implement programs, the commissioner of corrections, from funds appro-*

priated for the purposes of sections 1 to 4, shall make grants in aid not to exceed 40 percent of the costs of the programs in those counties electing to participate in the grant program established by sections 1 to 4.

Subd. 2. [APPLICATIONS.] *To qualify for the grants in aid provided under this section, each county with existing programs and each county that wants to participate shall, by resolution of the county board, request to be allowed to participate and submit a plan in accordance with the provisions of section 1, subdivision 3, and the rules of the commissioner.*

Subd. 3. [COUNTY CONTRIBUTIONS.] *Where several counties combine to provide one or more of the programs under sections 1 to 4, the 60 percent local matching funds shall be borne proportionately by the participating counties on the basis of need or use as determined by the rules of the commissioner.*''

Page 3, line 22, delete ''*and*''

Page 3, line 23, delete the period and insert ''*; and*''

Page 3, after line 23, insert:

''*(g) Establish by rule a method of determining the amount of contribution to be made by each county where two or more counties combine to provide one or more programs under sections 1 to 4.*''

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

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 509: A bill for an act relating to corrections; clarifying the transfer of correctional inmates to medical facilities; providing for tuberculosis testing for correctional employees; clarifying unclaimed property of correctional inmates, and diversified labor accounts; changing terminology of correctional facilities; harmonizing furlough provisions; prescribing the time for counties to submit estimates for reimbursement for probation services; amending Minnesota Statutes 1980, Sections 241.07; 241.09; 241.14; 241.22; 242.20; 242.22; 242.43; 242.44; 242.45; 242.48; 243.05; 243.20; 243.211; 243.465; 243.57; 243.58; 243.64; 244.07, Subdivision 1; 260.311, Subdivision 5; repealing Minnesota Statutes 1980, Sections 241.01, Subdivision 8; 241.15; 242.23; 242.24; 242.375; 242.52; 242.53; 243.06; 243.22; 243.25; 243.26 and 243.78.

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

Page 2, line 10, strike ''prior to this time'' and insert ''*, before conclusion of treatment*'' and strike ''shall''

Page 2, line 11, strike ''have'' and insert ''*has*''

Page 2, line 19, strike ''thereon'' and insert ''*on the question*''

Page 2, line 24, strike ''there has heretofore''

Page 2, line 25, strike everything before the last ''the''

Page 2, line 27, before ''money'' insert ''*obtains*''

Page 2, line 29, strike "for which money there is" and insert "*the chief executive officer knows*"

Page 2, line 30, strike everything after "entitled" and insert "*to it,*"

Page 2, line 31, strike the old language and delete the new language

Page 2, line 34, before "*shall*" insert "*the chief executive officer*" and after "*if*" insert "*the money is*" and delete "*be deposited*" and insert "*deposit it*"

Page 2, line 36, strike "used" and insert "*deposited*" and strike "shall have" and insert "*has*"

Page 3, line 2, strike "shall"

Page 3, line 3, strike "they shall be" and insert "*the inmate or heirs are*"

Page 3, line 13, strike "exclusive of" and insert "*other than*"

Page 3, line 14, strike "there is" and insert "*the chief executive officer knows*" and strike "thereto" and insert "*to it*"

Page 3, line 15, strike everything before the comma

Page 3, line 27, delete "*as provided herein*" and insert " *under this subdivision*"

Page 3, line 33, strike "he" and insert "*the chief executive officer*" and strike "for payment"

Page 3, line 34, before the period insert "*for payment to the inmate or heirs*"

Page 4, line 11, after "certificate" insert "*from a duly licensed physician*"

Page 4, line 13, before "been" insert "*undergone a physical examination and has*"

Page 4, line 18, strike "moneys" and insert "*money*"

Page 4, after line 29, insert:

"Sec. 5. Minnesota Statutes 1980, Section 241.64, Subdivision 1, is amended to read:

Subdivision 1. [CREATION.] Within 60 days after the effective date of sections 241.61 to 241.66, the commissioner shall appoint a ~~nine~~ *15* member advisory task force to advise him on the implementation of sections 241.61 to 241.66. The provisions of section 15.059, subdivision 6, shall govern the terms, compensation, and removal of members of the advisory task force.

Sec. 6. Minnesota Statutes 1980, Section 241.64, Subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP.] Persons appointed shall be knowledgeable in the fields of health, law enforcement, social services or the law. ~~Five~~ *Ten* members of the advisory task force shall be representatives of community or governmental organizations which provide services to battered women, and ~~four~~ *five* members of the advisory task force shall be public members."

Page 4, line 35, strike ", subject to the"

Page 4, line 36, strike "provisions of section 242.24,"

Page 5, line 5, delete "*corrections*"" and insert " *corrections*"

Page 5, line 6, delete "*department*" and insert "*department's*"

Page 5, line 33, strike "CORRECTIONS BOARD" and insert "*COMMISSIONER*"

Page 5, line 34, strike "It shall be the duty of" and strike "to" and insert "*shall*"

Page 6, line 29, delete "*his*" and insert "*the commissioner's*"

Page 6, line 36, strike "such"

Page 7, line 7, strike "INFANTS" and insert "*CHILDREN*"

Page 7, after line 16, insert:

"Sec. 12. Minnesota Statutes 1980, Section 242.47, is amended to read:

242.47 [INTERFERENCE WITH INMATES.]

Every person who ~~shall abduct, conceal, entice, carry~~ *abducts, conceals, entices, carries* away, or improperly ~~interfere~~ *interferes* with, any inmate of ~~the~~ *a* Minnesota correctional ~~facility Red Wing shall be~~ *facility for juveniles is* guilty of a misdemeanor."

Page 7, line 33, after "that" insert ":

(a)"

Page 8, line 1, strike "and provided further that" and insert:

"*(b)*"

Page 8, line 8, strike "provided further that" and insert:

"*(c)*"

Page 8, line 11, strike "provided further," and insert "*and*

(d)"

Page 8, line 13, strike "shall be" and insert "*is*"

Page 8, line 16, strike "shall have" and insert "*has*"

Page 8, line 17, strike "shall apply" and insert "*applies*"

Page 8, line 20, strike "shall be" and insert "*is*" and strike "remain" and insert "*remains*"

Page 8, line 28, strike "shall revert" and insert "*reverts*"

Page 8, line 37, strike "shall be" and insert "*is*"

Page 9, line 5, strike "to him"

Page 9, line 16, strike "shall not be" and insert "*is not*"

Page 10, line 15, strike "shall have" and insert "*has*"

Page 10, line 17, strike "shall bring" and insert "*brings*" and strike "convey" and insert "*conveys*"

Page 10, line 19, strike "shall"

Page 10, line 20, strike "be" and insert "*is*"

Page 11, line 6, strike "whereby" and insert "*by which*"

Page 11, line 11, strike "should" and insert "*if*" and strike "be" and insert "*is*"

Page 11, line 12, strike "so as to become" and insert "*and becomes*"

Page 11, line 15, strike "thereof" and insert "*of inmates*" and strike "such other" and insert "*another*"

Page 11, line 24, strike "for his"

Page 11, strike lines 25 to 28

Page 11, line 30, before the period, insert "*to apprehend and return the escapee, which may include the offer of a reward of not more than $100 to be paid from the state treasury, for information leading to the arrest and return to custody of the escapee*"

Page 11, line 36, strike "shall"

Page 11, line 37, strike "acquire" and insert "*acquires*"

Page 12, line 5, strike "such"

Page 12, line 6, strike "shall be"

Page 12, line 17, strike "him" and insert "*the commissioner*"

Page 12, line 23, before "*apply*" insert "*also*"

Page 12, line 32, strike "of corrections"

Page 13, line 4, after the first "each" insert "*even numbered*"

Page 13, line 6, strike "hereunder" and insert "*under this section*"

Page 13, after line 25, insert:

"Sec. 24. [EFFECTIVE DATE.]

Sections 1 to 23 are effective the day following final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 11, after "241.22;" insert "241.64, Subdivisions 1 and 2;"

Page 1, line 12, after "242.45;" insert "242.47;"

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

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 611: A bill for an act relating to motor vehicles; requiring certain owners of motorcycles to furnish evidence of security under the Minnesota no-fault automobile insurance act; amending Minnesota Statutes 1980, Section 65B.68, Subdivision 2.

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

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 568: A bill for an act relating to financial institutions; permitting banks to make adjustable-rate mortgage loans; proposing new law coded in Minnesota Statutes, Chapter 48.

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

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 529: A bill for an act relating to securities; providing for improved regulation of the sale of securities and the licensing of broker-dealers, agents, and investment advisers; making miscellaneous clarifications and revisions; amending Minnesota Statutes 1980, Sections 80A.04, Subdivision 4; 80A.05, Subdivision 1; 80A.07, Subdivision 1; 80A.12, Subdivision 3; 80A.14; 80A.15, Subdivisions 1 and 2; 80A.16; 80A.21, Subdivision 1; 80A.28, Subdivisions 1, 2, 3, 4 and 7, and by adding a subdivision; 80A.30, Subdivision 2.

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

Page 12, line 2, strike "Coast"

Page 15, line 35, strike "such" and insert "*the*"

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

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 358: A bill for an act relating to intoxicating liquor; requiring proof of financial responsibility; amending Minnesota Statutes 1980, Sections 340.11, by adding a subdivision; 340.12; and 340.353, by adding a subdivision.

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

Page 1, line 18, after "*policy*" insert "*or pool*"

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

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 353: A bill for an act relating to local government; setting conditions for group insurance contract bids; amending Minnesota Statutes 1980, Section 471.616, Subdivision 1.

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

Page 2, line 25, after "premium" insert "*per covered employee*"

Page 2, lines 26 to 28, delete the new language and insert "*If additional employees are added to an existing group pursuant to a joint powers agreement under section 471.59, new bids and award are not required.*"

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

adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 64: A bill for an act relating to no-fault automobile insurance; increasing basic economic loss benefits; increasing the weekly maximums for certain first-party benefits; clarifying legislative intent concerning stacking of insurance policies; coordinating the priority of applicability of security for payment of certain benefits; increasing residual liability benefits; increasing certain uninsured benefits; establishing tort threshold limitations on uninsured motorist coverage; prohibiting short-term policies; providing mandatory underinsured motorist coverage; amending Minnesota Statutes 1980, Sections 65B.44, Subdivisions 1, 3, 6, and 7; 65B.47, Subdivision 2, and by adding subdivisions; and 65B.49, Subdivisions 3 and 4, and by adding subdivisions.

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

Page 1, line 28, delete "*$50,000*" and insert "*$30,000*"

Page 1, line 30, delete "*$50,000*" and insert "*$70,000*"

Page 2, line 10, delete "*$400*" and insert "*$250*"

Page 2, line 23, delete "*$400*" and insert "*$250*"

Page 3, line 7, delete "*$400*" and insert "*$250*"

Page 4, line 5, delete "*$400*" and insert "*$250*"

Page 4, line 23, delete "*otherwise*" and insert "*for additional coverage*"

Page 4, line 36, after "of" insert "*residual*"

Page 7, line 4, delete "*otherwise*" and insert "*for additional coverage*"

Page 7, delete section 10

Page 7, line 33, after "*pay*" insert "*the insured the*"

Page 7, line 36, after "*exceed the*" insert "*available*"

Page 8, line 1, after "*vehicle*" insert ", *to the extent that the limits selected by the insured for this coverage exceed the available residual bodily injury liability coverage of the owner of the other vehicle*"

Page 8, line 9, delete "*11*" and insert "*10*"

Page 8, line 14, after "*7;*" insert "*and*"

Page 8, line 14, after "*(5)*" delete the semicolon

Page 8, line 15, delete "*and 10*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 16, delete "subdivisions" and insert "a subdivision"

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

Mr. Tennessen from the Committee on Commerce, to which was referred

H. F. No. 415: A bill for an act relating to financial institutions; authorizing federal funds transactions for credit unions; removing the limitation on insurance commission income and prohibiting participation of officials in such income; permitting the sale of real estate loans; amending Minnesota Statutes 1980, Section 52.04, Subdivision 1.

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

Page 3, line 33, delete "*or be applied to reduce*"

Page 3, line 34, delete everything before the period

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

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 463: A bill for an act relating to credit unions; permitting a change of titles of officers; amending Minnesota Statutes 1980, Section 52.09, by adding a subdivision.

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

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 1980, Section 52.06, Subdivision 1, is amended to read:

Subdivision 1. Credit unions shall be under the supervision of the commissioner of banks. Each credit union shall annually, on or before January 25, file a report with the commissioner of banks on forms supplied by him for that purpose giving such relevant information as he may require concerning the operations during the preceding calendar year. Additional reports may be required. Credit unions shall be examined, at least annually, by the commissioner of banks, except that if a credit union requests, the commissioner may accept the audit of a certified public accountant in place of this examination. Such certified public accountant must be approved by the commissioner. The qualitative type of audit examination to be performed by the certified public accountant shall be defined by banking division regulation and approved by the commission. Further, in lieu of this examination the commissioner may accept any examination made by the National Credit Union Administration, provided a copy of the examination is furnished to the commissioner. A report of the examination by the commissioner of banks shall be forwarded to the president, *or the chairman of the board if the position is so designated pursuant to section 52.09, subdivision 4*, of the examined credit union within 60 days after completion of the examination. Within 60 days of the receipt of such report, a general meeting of the directors and committees shall be called to consider matters contained in the report. For failure to file reports when due, unless excused for cause, the credit union shall pay to the state treasurer $5 for each day of its delinquency."

Page 1, line 9, before "*The*" insert "*Notwithstanding the other provisions of this chapter,*"

Page 1, line 11, delete "*or chairwoman*"

Page 1, line 12, delete "*or vice-chairwoman*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "Section" and insert "Sections 52.06, Subdivision 1; and"

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

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

S. F. No. 687: A bill for an act relating to taxation; income; property tax refund; making technical corrections; deleting obsolete provisions; amending Minnesota Statutes 1980, Sections 290.01, Subdivisions 3, 19, 20, 21, 22, 23, 25, 26, and 27; 290.011; 290.032, Subdivision 2; 290.06, Subdivisions 1, 2c, 3e, 3f, and 11; 290.07, Subdivision 3; 290.071, Subdivisions 2 and 3; 290.075; 290.077, Subdivisions 1 and 2; 290.079, Subdivision 6; 290.081; 290.085; 290.09, Subdivisions 1, 2, 4, 5, 6, 7, 10, 15, 18, 21, and 29; 290.10; 290.101, Subdivision 9; 290.12, Subdivisions 1, 2, and 4; 290.13, Subdivision 5; 290.131, Subdivision 3; 290.132, Subdivision 1; 290.133, Subdivision 2; 290.134, Subdivision 1; 290.135, Subdivision 1; 290.14; 290.16, Subdivisions 1, 3, 7, 8, 9, 12, and 13; 290.17, Subdivision 2; 290.18, Subdivisions 1 and 2; 290.21, Subdivisions 1, 3, 3a, 4, and 7; 290.23, Subdivisions 2, 3, 5, 9, 10, and 15; 290.25, Subdivisions 2, 3, and 4; 290.26, Subdivisions 1, 2a, and 3; 290.28, Subdivision 1; 290.281, Subdivision 2; 290.31, Subdivisions 2, 3, 4, 6, 9, 10, 11, 21, and by adding a subdivision; 290.32; 290.34, Subdivision 3; 290.35; 290.39, Subdivision 1; 290.42; 290.45, Subdivision 3; 290.46; 290.48, Subdivision 2; 290.49, Subdivisions 1 and 4; 290.50, Subdivisions 1, 3, and 5; 290.53, Subdivisions 1 and 4; 290.56, Subdivisions 2, 3, and 4; 290.92, Subdivisions 1, 5, 6, 16, and 19; 290.93, Subdivisions 5 and 6; 290.932, Subdivisions 1 and 4; 290A.03, Subdivisions 3 and 13; 290A.04, Subdivisions 2 and 2c; 290A.06; and 290A.07, Subdivision 2; repealing Minnesota Statutes 1980, Sections 290.076; 290.131, Subdivisions 4, 5, 6, and 7; 290.133, Subdivision 3; 290.134, Subdivisions 2, 3, and 4; 290.135, Subdivisions 2, 3, and 4; 290.23, Subdivisions 11, 12, 13, and 14; 290.24; 290.26, Subdivisions 4 and 7; 290.60; 290.65, Subdivision 17; 290.931, Subdivision 4; 290.932, Subdivision 3; 290.933, Subdivision 3; and 290.934, Subdivision 6.

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

Page 2, line 13, delete "*estates, and*"

Page 2, line 14, delete "*trusts,*"

Page 2, line 36, strike "section" and insert "*subdivision*"

Page 2, line 36, after the period, insert "*For estates and trusts the adjusted gross income shall be their federal taxable income as defined in the Internal Revenue Code of 1954, as amended through the date specified herein for the applicable taxable year, with the modifications specified in this subdivision and with the modification that the federal deduction for personal exemptions for trusts and estates shall not be allowed.*"

Page 6, line 31, after "*interest*" insert ", *taxes*"

Page 11, line 13, after "~~(1)~~" insert:

"*(d)*" and reinstate "amounts"

Page 11, lines 14 to 25, reinstate the stricken language

Page 11, line 20, strike "act" and insert "*chapter*"

Page 11, line 25, strike "act" and insert "*chapter*"

Page 11, line 26, strike "(d)" and insert "*(e)*"

Page 30, after line 31, insert:

"Sec. 24. Minnesota Statutes 1980, Section 290.08, Subdivision 8, is amended to read:

Subd. 8. [INTEREST FROM UNITED STATES.] Interest upon obligations of the United States, its possessions, its agencies, or its instrumentalities, so far as immune from state taxation under federal law*; and interest upon obligations of the state of Minnesota, any of its political or governmental subdivisions, any of its municipalities, or any of its governmental agencies or instrumentalities. This subdivision shall not apply to corporations taxable under sections 290.02 or 290.361 or to individuals, estates, or trusts.*"

Page 52, line 18, strike "(E)" and insert "*(C)*"

Page 53, after line 19, insert:

"Sec. 38. Minnesota Statutes 1980, Section 290.095, Subdivision 2, is amended to read:

Subd. 2. [DEFINED AND LIMITED.] (a) The term "net operating loss" as used in this section shall mean the excess of the deductions of the kind provided for in section 290.09, permitted to be taken in computing a taxpayer's taxable net income, as that term is defined in section 290.01, subdivision 22, over the gross income used in computing such taxable net income, with the modifications specified in subdivision 4. *The deductions provided in section 290.21 cannot be used in the determination of a net operating loss.*

(b) The term "net operating loss deduction" as used in this section means the aggregate of the net operating loss carrybacks and carryovers to the taxable year, computed in accordance with subdivision 3."

Page 57, line 31, strike "GIFT, DEVISE, BEQUEST, ETC." and insert "*GIFTS.*"

Page 61, after line 25, insert:

"Sec. 45. Minnesota Statutes 1980, Section 290.131, Subdivision 1, is amended to read:

Subdivision 1. [DISTRIBUTIONS OF PROPERTY.] (a) Except as otherwise provided in this chapter, a distribution of property (as defined in section 290.133, subdivision 2, clause (a)) made by a corporation to a shareholder with respect to its stock shall be treated in the manner provided in clause (c).

(b) Amount distributed:

(1) For purposes of this subdivision, the amount of any distribution shall be:

(A) If the shareholder is not a corporation, the amount of money received,

plus the fair market value of the other property received.

(B) If the shareholder is a corporation, the amount of money received, plus whichever of the following is the lesser:

(i) the fair market value of the other property received; or

(ii) the adjusted basis (in the hands of the distributing corporation immediately before the distribution) of the other property received, increased in the amount of gain to the distributing corporation which is recognized under clause (b) or (c) of section ~~290.132, subdivision 1~~ *311 of the Internal Revenue Code of 1954 as amended through December 31, 1980.*

(2) The amount of any distribution determined under paragraph (1) shall be reduced (but not below zero) by:

(A) the amount of any liability of the corporation assumed by the shareholder in connection with the distribution, and

(B) the amount of any liability to which the property received by the shareholder is subject immediately before, and immediately after, the distribution.

(3) For purposes of this subdivision, fair market value shall be determined as of the date of the distribution.

(c) In the case of a distribution to which clause (a) applies:

(1) That portion of the distribution which is a dividend (as defined in section 290.133, subdivision 1) shall be included in gross income.

(2) That portion of the distribution which is not a dividend shall be applied against and reduce the adjusted basis of the stock.

(3) Amount in excess of basis.

(A) Except as provided in subparagraph (B), that portion of the distribution which is not a dividend, to the extent that it exceeds the adjusted basis of the stock, shall be treated as gain from the sale or exchange of property.

(B) That portion of the distribution which is not a dividend, to the extent that it exceeds the adjusted basis of the stock and to the extent that is out of increase in value accrued before January 1, 1933, shall be exempt from tax.

(d) The basis of property received in a distribution to which clause (a) applies shall be:

(1) If the shareholder is not a corporation, the fair market value of such property.

(2) If the shareholder is a corporation, whichever of the following is the lesser:

(A) the fair market value of such property; or

(B) the adjusted basis (in the hands of the distributing corporation immediately before the distribution) of such property, increased in the amount of gain to the distributing corporation which is recognized under clause (b) or (c) of section ~~290.132, subdivision 1~~ *311 of the Internal Revenue Code of 1954 as amended through December 31, 1980.*"

Page 83, line 11, strike "290.28" and insert "*290.25*"

Page 86, line 1, after "290.10" insert "*(8),*"

Page 86, line 36, delete "*estates, and trusts,*"

Page 92, after line 13, insert:

"Sec. 67. Minnesota Statutes 1980, Section 290.22, is amended to read:

290.22 [ESTATES AND TRUSTS, IMPOSITION OF TAX.]

The taxes imposed by this chapter upon individuals shall apply to the income of estates or of any kind of property held in trust, including:

(1) Income accumulated in trust for the benefit of unborn or unascertained person or persons with contingent interests, and income accumulated or held for future distribution under the terms of the will or trust;

(2) Income which is to be distributed currently by the fiduciary to the beneficiaries, and income collected by a guardian of an infant which is to be held or distributed as the court may direct;

(3) Income received by estates of deceased persons during the period of administration or settlement of the estate; and,

(4) Income which, in the discretion of the fiduciary, may be either distributed to the beneficiaries or accumulated.

~~The tax shall be computed upon the net income of the estate or trust and paid by the fiduciary, except as provided in section 290.27, relating to revocable trusts, and section 290.28, relating to income for benefit of the grantor.~~"

Pages 92 and 93, delete section 64

Page 94, line 17, strike "290.28" and insert "*290.25*"

Page 94, line 18, after "means" insert "*the same as that term is defined in section 643(a) of the Internal Revenue Code of 1954 as amended through December 31, 1980*"

Page 94, line 18, strike ", with respect to any"

Page 94, strike line 19

Page 94, line 20, strike "computed"

Page 94, line 20, strike "modifications" and insert "*modification:*"

Page 94, strike lines 21 to 36

Page 95, strike lines 1 to 5

Page 95, line 6, strike "(d)"

Page 95, line 7, strike "subdivisions 7 and" and insert "*subdivision*"

Page 95, line 13, strike "subdivision 2" and insert "*section 642(c) of the Internal Revenue Code of 1954, as amended through December 31, 1980*"

Page 95, line 13, strike "specified in"

Page 95, line 14, strike "subparagraph (d)"

Page 95, line 16, strike "subdivision 2" and insert "*that section of the Internal Revenue Code*"

Page 95, line 17, strike "that subparagraph" and insert "*the modification*"

Page 95, line 23, strike "For purposes of this section and section 290.22"

Page 95, line 24, strike "when not preceded by the words "taxable net," " and insert "*and the term "beneficiary" have the same meaning as those terms are defined in section 643(b) and (c) of the Internal Revenue Code of 1954 as amended through December 31, 1980.*"

Page 95, strike lines 25 to 34

Page 96, line 3, strike "(1) Subject to paragraph 2, there shall be"

Page 96, strike lines 4 to 36

Page 97, strike lines 1 to 23 and insert:

"*The provisions of sections 652, 662, 663 and 664(b) of the Internal Revenue Code of 1954, as amended through December 31, 1980, shall apply to inclusion of amounts in gross income of beneficiaries.*"

Pages 97 and 98, delete section 68

Page 99, after line 7, insert:

"Sec. 72. Minnesota Statutes 1980, Section 290.25, Subdivision 1, is amended to read:

Subdivision 1. ~~[TRUST INCOME, DEDUCTIONS, AND CREDITS ATTRIBUTABLE TO GRANTORS AND OTHERS AS SUBSTANTIAL OWNERS.] Where it is specified in this section and sections 290.27 and 290.28 that the grantor or another person shall be treated as the owner of any portion of a trust, there shall then be included in computing the taxable net income and credits of the grantor or the other person those items of income, deductions, and credits against tax of the trust which are attributable to that portion of the trust to the extent that such items would be taken into account under this chapter in computing taxable net income or credits against the tax of an individual. Any remaining portion of the trust shall be subject to section 290.23. No items of a trust shall be included in computing the taxable net income and credits of the grantor or of any other person solely on the grounds of his dominion and control over the trust under section 290.01, subdivision 20 (relating to definition of gross income) or any other provision of this chapter, except as specified in this section and sections 290.27 and 290.28~~ *The provisions of sections 671 to 679, 681 and 682 of the Internal Revenue Code of 1954, as amended through December 31, 1980, shall apply to grantors and others treated as substantial owners and other provisions concerning estates and trusts.*"

Pages 99 to 104, delete sections 70 to 72

Pages 105 and 106, delete section 76

Page 126, line 27, strike "and does report such change or files a"

Page 126, line 28, strike "copy of such amended return"

Page 126, line 28, strike "as required by"

Page 126, line 29, strike "subdivision 2,"

Pages 127 to 130, delete section 105

Page 132, line 13, reinstate "claims" and delete "*is allowed*" and insert "*and which are allowable*"

Page 146, line 33, after "*290.076;*" insert "*290.08, Subdivisions 7 and 13;*"

Page 146, line 36, after "*Subdivisions*" insert "*1, 2, 6, 7, 8, 10,*" and after "290.24;" insert "*290.25, Subdivisions 2, 3, 4, and 5;*"

Page 147, line 1, after "*7;*" insert "*290.27; 290.28;*"

Page 147, line 5, delete "*113*" and insert "*111*" and delete "*121*" and insert "*119*"

Page 147, line 6, delete "*114 to 117 and 119*" and insert "*112 to 115 and 117*"

Page 147, line 9, delete "*118*" and insert "*116*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, after "6;" insert "290.08, Subdivision 8;"

Page 1, line 11, after "29;" insert "290.095, Subdivision 2;"

Page 1, line 13, delete "Subdivision 3" and insert "Subdivisions 1 and 3"

Page 1, line 18, after "7;" insert "290.22;"

Page 1, line 19, delete "2," and delete "10,"

Page 1, line 20, delete "Subdivisions 2, 3, and 4" and insert "Subdivision 1"

Page 1, line 21, delete "290.28, Subdivision 1;"

Page 1, line 28, delete "1,"

Page 1, line 33, after "290.076;" insert "290.08, Subdivisions 7 and 13;"

Page 1, line 36, after "Subdivisions" insert "1, 2, 6, 7, 8, 10,"

Page 1, line 36, after "290.24;" insert "290.25, Subdivisions 2, 3, 4, and 5;"

Page 1, line 37, after "7;" insert "290.27; 290.28;"

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

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 443: A bill for an act relating to commerce; regulating franchises; providing a penalty; amending Minnesota Statutes 1980, Sections 80C.01, Subdivisions 4, 13, and by adding subdivisions; 80C.03; 80C.09, by adding a subdivision; 80C.14; 80C.17, Subdivision 3, and by adding a subdivision; 80C.18, Subdivision 2; and 80C.19, Subdivision 1.

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

Page 1, line 25, strike the period and insert "*; or*"

Page 1, line 26, strike " "Franchise" shall include"

Page 1, line 27, after "agreement" insert ", *either express or implied, whether oral or written, for a definite or indefinite period, between two or more persons,*"

Page 2, line 3, strike the period and insert "*; or*"

Page 2, line 4, delete " "*Franchise" shall include*"

Page 2, line 6, after the first "*purchaser*" insert ", *other than the sale of sales demonstration equipment, materials or samples for a total price of $500 or less to any one person,*"

Page 2, after line 24, insert:

"*(e) "Franchise" does not include any contract, lease or other agreement whereby the franchisee is required to pay less than $100 on an annual basis, except those franchises identified in subdivision 4, paragraph (b), clause (2).*"

Page 2, delete section 2

Page 4, line 7, after "*Minnesota*" insert "*who has not requested it*"

Page 4, delete lines 8 to 22 and insert:

"*(c) The franchisor deposits all franchisee fees in an escrow account until all obligations of the franchisor to the franchisee which are, pursuant to the terms of the franchise agreement, to be performed prior to the opening of the franchise, have been performed. The franchisor shall provide the franchisee with a purchase receipt for the franchise fees paid, a copy of the escrow agreement and the name, address and telephone number of the escrow agent. The escrow agent shall be a bank located in Minnesota. All such franchise fees shall be deposited in the escrow account within two business days after receipt.*

(d) The franchisor has filed with the commissioner, no later than 10 business days prior to the date of the first sale, a written notice of its intention to offer or sell franchises pursuant to the exemptions set forth in this paragraph, which notice shall be accompanied by a fee of $50, together with a copy of the disclosure document and standard franchise agreement of the franchisor, which documents are required to be supplied by the franchisor to the franchisee pursuant to rules of the Federal Trade Commission."

Page 4, delete lines 29 to 31 and insert:

"*(8) The offer or sale of a franchise to a resident of a foreign state, territory, or country who is neither domiciled in this state nor actually present in this state, if the franchise business is not to be operated wholly or partly in this state, and if the sale of this franchise is not in violation of any law of the foreign state, territory, or county concerned.*"

Renumber the clauses in sequence

Page 4, delete section 6

Page 5, line 8, after the period, insert "*For the purpose of rules defining the words "unfair and inequitable" the commissioner may specifically recognize classifications of franchises including but not limited to the classifications of*

motor vehicle fuel franchises, motor vehicle franchises, hardware franchises and franchises which require that the franchisee make an initial, unfinanced investment in excess of $200,000.''

Page 5, line 15, after ''*agreements*'' insert '', *other than those classifications of franchises specifically recognized by the commissioner pursuant to subdivision 1 of this section,*''

Page 6, delete section 8

Page 7, line 4, delete ''*11*'' and insert ''*8*''

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete ''Subdivisions'' and insert ''Subdivision'' and delete ''13,''

Page 1, line 5, delete ''80C.09, by adding a subdivision;''

Page 1, line 6, delete ''Subdivision 3, and''

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

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

S. F. No. 168: A bill for an act relating to intoxicating liquor; providing for a sharing with towns of county liquor license fees; amending Minnesota Statutes 1980, Section 340.11, by adding a subdivision.

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

Page 1, line 8, before ''is'' insert ''Subdivision 10,''

Page 1, line 9, delete ''by adding a subdivision''

Page 1, delete lines 10 to 14 and insert:

''Subd. 10. [ON-SALE LICENSES; COUNTIES.] (1) On-sale licenses may be issued for the sale of intoxicating liquors by any county herein provided for.

(2) A county board may issue an ''on-sale'' license for the sale of intoxicating liquors within the unorganized or unincorporated area of the county, to a restaurant or to a club, with the approval of the commissioner of public safety. No license shall be issued or renewed under this clause after the application has been made therefor, until the county board shall have secured a written statement of the sheriff concerning the applicant. Such statement shall include a recital that to the best of his knowledge the applicant has not, within a period of five years prior to the date of such application, violated any law relating to the sale of non-intoxicating malt liquor or intoxicating liquors and that in his judgment the applicant will comply with the laws and regulations relating to the conduct of said business in the event said license is issued or renewed. Before issuing or renewing any license, the county board shall consider the statement of the sheriff, the character and reputation of the applicant, the nature of the business to be conducted, and the type of premises and propriety and

location of said business.

All licenses issued pursuant to this clause shall be governed by the appropriate provisions of the intoxicating liquor act except as otherwise provided for herein. The license fee for an on-sale license issued pursuant to this section or pursuant to any other law governing the issuance of a license by a county shall be fixed by the county board. The fee shall be in such an amount as is competitive with similar licensing fees in comparable areas where intoxicating liquor is sold at on-sale. *If the licensed premises to which any license issued pursuant to this section or any other law governing the issuance of a license by a county is located in a town, an additional license fee may be set by the town board in an amount not to exceed 20 percent of the county license fee. No premises located in a town may be licensed by the county board unless a resolution of the town board of supervisors indicating their support or opposition to the granting of the license is filed with the application for the license.*

No license may be issued by the county board of any county pursuant to this section to any person who directly or indirectly has been issued an intoxicating liquor license by the county board or by the governing body of any city located within the county. Nothing in this paragraph shall be construed to prohibit the re-issuance of any intoxicating liquor license already issued pursuant to law as of June 5, 1975."

Amend the title as follows:

Page 1, line 3, delete "sharing with towns of county"

Page 1, line 3, delete "fees" and insert "fee to be set by a town board in certain cases; requiring town board approval of certain county liquor licenses"

Page 1, lines 4 and 5, delete "by adding a"

Page 1, line 5, before the period insert "10"

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

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

S. F. No. 915: A bill for an act relating to sheriff fees; prescribing fees to be charged by the sheriff; amending Minnesota Statutes 1980, Section 357.09, Subdivisions 1 and 2, and by adding a subdivision.

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

Page 2, line 26, after "*80,000*" insert "*according to the latest federal decennial census or the population estimates of the demographer pursuant to section 4.12*"

Page 2, line 27, before the period insert ", *but the county board in exempt counties shall set the sheriff's fees with the advice and consultation of the sheriff*"

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

Mr. Wegener from the Committee on Local Government and Urban Affairs,

to which was referred

S. F. No. 916: A bill for an act relating to local government; fixing dollar limitations for bidding procedures; amending Minnesota Statutes 1980, Sections 160.17, Subdivision 2; 365.37; 375.21, Subdivision 1; 412.311; 429.041, Subdivisions 1 and 2; and 471.345, Subdivisions 3 and 4.

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

Page 5, line 31, delete "wori" and insert "work"

Pages 4 and 5, delete sections 7 and 8

Amend the title as follows:

Page 1, line 5, after "412.311;" insert "and"

Page 1, line 6, delete "; and 471.345, Subdivisions 3 and 4"

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

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

S. F. No. 571: A bill for an act relating to Goodhue county; permitting an additional tax for county fairs.

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

Page 1, line 6, delete "FAIRS" and insert "FAIR LEVY"

Page 1, delete lines 7 to 17 and insert:

"*The levy limit of Goodhue county prescribed by sections 275.50 to 275.56 shall be increased for taxes levied in 1981 payable 1982 by an amount authorized by the county board not to exceed one-twelfth of one mill to cover expenses of public fairs in the county as authorized by section 38.28. For taxes levied in 1982 payable 1983 and subsequent years, the amount authorized pursuant to section 1 for taxes levied in 1981 payable 1982 shall be a permanent adjustment to the levy limit base and allowed to increase in the manner prescribed by Minnesota Statutes, Section 275.52.*"

Amend the title as follows:

Page 1, lines 2 and 3, delete "permitting an additional tax" and insert "authorizing an increase in the levy limit to allow a levy"

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

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

S. F. No. 986: A bill for an act relating to corrections; providing for sheriffs expenses incurred in conveying convicts to correctional facilities; amending Minnesota Statutes 1980, Section 243.17, Subdivision 1.

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

Page 1, line 11, strike "Minnesota" and insert "*state adult*"

Page 1, line 12, strike everything after "correctional"

Page 1, line 13, strike "facility-St. Cloud" and insert "*facilities*"

Page 1, line 17, strike "Minnesota" and insert "*state adult*"

Page 1, strike line 18

Page 1, line 19, strike "Cloud" and insert "*facilities*"

Page 2, line 1, strike "Minnesota" and insert "*state adult*" and strike everything after "correctional"

Page 2, line 2, strike "Minnesota correctional facility-St. Cloud" and insert "*facilities*"

Page 2, line 4, strike "Minnesota" and insert "*state adult*"

Page 2, line 5, strike everything after "correctional"

Page 2, line 6, strike "facility-St. Cloud" and insert "*facilities*"

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

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

S. F. No. 814: A bill for an act relating to metropolitan government; removing the city of Victoria from the metropolitan transit area and taxing district; amending Minnesota Statutes 1980, Sections 473.403; and 473.446, Subdivision 2.

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

Page 1, delete section 1

Page 3, line 1, delete "*This act*" and insert "*Section 1*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete "area and"

Page 1, line 5, delete "Sections 473.403; and" and insert "Section"

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

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

S. F. No. 885: A bill for an act relating to regional railroad authorities; providing that cities of the first class may join in the organization of a regional railroad authority in conjunction with one or more counties; amending Minnesota Statutes 1980, Sections 398A.02; 398A.03; 398A.04, Subdivisions 8 and 9; and 398A.06, Subdivision 1.

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

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

S. F. No. 457: A resolution memorializing the Congress and the President of

the United States to cease all military and economic aid to El Salvador.

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

Page 1, line 7, delete "indicate" and insert "allege"

Page 1, line 9, delete "right-wing, militaristic"

Page 1, line 9, after "for" insert "tolerating"

Page 1, line 10, delete "junta's"

Page 1, line 16, delete "costly"

Page 1, line 18, delete "could" and insert "may"

Page 1, line 19, delete "keeping" and insert "removing"

Page 1, line 19, delete "out of" and insert "from"

Page 1, line 24, delete "of the El Salvadorean junta" and insert "in that country"

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

Mr. Moe, R. D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S. F. No. 227: A bill for an act relating to the organization and operation of government; requiring a study of the proper role and structure of metropolitan government agencies; requiring a review of the distribution of powers and duties between the metropolitan council, the metropolitan commissions, the legislature and political subdivisions within the metropolitan area; mandating a report; providing for certain services to be performed by the state planning agency; appropriating money.

Reports the same back with the recommendation that the report from the Committee on Local Government, shown in the Journal for March 19, 1981, be amended to read:

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

Mr. Knoll from the Committee on Governmental Operations, to which was referred

S. F. No. 392: A bill for an act relating to meetings of public bodies; allowing public employers to determine negotiation strategy at a nonpublic meeting; amending Minnesota Statutes 1980, Section 471.705, by adding a subdivision.

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

Page 1, delete lines 10 to 13 and insert:

"*Subd. 1a.* [EXCEPTION.] *Subdivision 1 does not apply to a meeting held pursuant to the procedure in this subdivision. The governing body of a public employer shall by a majority vote in a public meeting decide to hold a closed meeting to consider strategy for a labor negotiation with its employees con-*

ducted pursuant to sections 179.61 to 179.76. The time of commencement and place of the closed meeting shall be announced at the public meeting. A written roll of members and all other persons present at the closed meeting shall be made available to the public after the closed meeting. The proceedings of a closed meeting to discuss negotiation strategies shall be tape recorded at the expense of the governing body and shall be preserved by it for two years after the contract is signed and shall be made available to the public after all labor contracts are signed by the governing body for the current budget period.

If an action is brought claiming that public business other than discussions of labor negotiation strategies or development, discussion or review of labor negotiation proposals was transacted at a closed meeting held pursuant to this subdivision during the time when the tape is not available to the public, the court shall review the recording of the meeting in camera. If the court determines that no violation of this section is found based on the recording in question, the action shall be dismissed and the recording shall be sealed and preserved in the records of the court, to be made available only to a reviewing court in the event of an appeal. If the court determines that a violation of this section is found based on the recording, the recording may be introduced at trial in its entirety subject to such protective orders as requested by either party and deemed appropriate by the court.

The prevailing party in an action which establishes that a violation of this section has occurred shall recover costs and reasonable attorney's fees as determined by the court."

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

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

H. F. No. 349 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
349	494				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 349 be amended as follows:

Page 1, line 15, reinstate the stricken comma

Page 1, line 16, delete "*or*"

Page 1, line 18, delete "*or*" and insert a comma

Page 1, line 19, after "*process*" insert ", *and the public*"

Page 2, line 5, before "*Persons*" insert "*(a)*"

Page 2, line 8, before "*Persons*" insert "*(b)*"

Page 2, line 16, delete "*any of*"

Page 2, line 17, delete "*and section 4*"

And when so amended H. F. No. 349 will be identical to S. F.No. 494, and

further recommends that H. F. No. 349 be given its second reading and substituted for S. F. No. 494, 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. 509, 611, 568, 529, 358, 353, 64, 463, 687, 443, 168, 915, 916, 814, 885, 457 and 392 were read the second time.

SECOND READING OF HOUSE BILLS

H. F. Nos. 415 and 349 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Frank moved that the name of Mr. Ramstad be added as co-author to S. F. No. 423. The motion prevailed.

Mr. Wegener moved that the name of Mr. Lessard be added as co-author to S. F. No. 772. The motion prevailed.

Mr. Humphrey moved that the name of Mr. Dahl be added as co-author to S. F. No. 873. The motion prevailed.

Mr. Humphrey moved that the name of Mr. Dahl be added as co-author to S. F. No. 874. The motion prevailed.

Mr. Peterson, R.W. moved that the name of Mr. Dahl be added as co-author to S. F. No. 985. The motion prevailed.

Mr. Davies moved that the name of Mr. Merriam be added as co-author to S. F. No. 1028. The motion prevailed.

Mr. Ulland moved that the name of Mr. Solon be added as co-author to S. F. No. 1049. The motion prevailed.

Mr. Stern moved that the name of Mr. Frederick be added as co-author to S. F. No. 1079. The motion prevailed.

Mr. Sikorski moved that the name of Mr. Merriam be added as co-author to S. F. No. 1091. The motion prevailed.

Mr. Humphrey moved that the name of Mr. Willet be added as co-author to S. F. No. 1096. The motion prevailed.

Mrs. Brataas moved that the names of Messrs. Purfeerst and Chmielewski be added as co-authors to S. F. No. 1129. The motion prevailed.

Mr. Johnson moved that S. F. No. 814 be stricken from General Orders and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Rued, Bang and Schmitz introduced—

S.F. No. 1138: A bill for an act relating to the environment; exempting automobile racetracks from certain noise pollution standards; amending Minnesota Statutes 1980, Section 116.07, Subdivision 2a.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Dieterich, Johnson, Vega and Sieloff introduced—

S.F. No. 1139: A bill for an act relating to taxation; income; property tax refund; adopting federal income tax limitations on the deduction of interest; authorizing the commissioner to provide a short form income tax return; clarifying the computation of the low income alternative tax; providing for the computation of net operating loss; allowing for disclosures of information between the department of economic security and the commissioner of revenue regarding unemployment compensation; allowing for disclosures of information between the commissioner of revenue and the commissioner of public welfare; allowing the commissioner to obtain information required on returns by court action; allowing the commissioner to designate the places returns may be filed; conforming information return requirements to the federal requirements; requiring certain statements to be furnished to subjects of information returns; providing that payment of taxes of a decedent shall be made by successors in the absence of a personal representative; providing an action to enjoin certain tax return preparers from engaging in certain conduct or from preparing returns; adopting the federal requirements for withholding and reporting on tips; clarifying the liability of employers in regard to withholding tax returns; conforming information requirements of withholding statements to federal law; allowing notification of an employer by the department that a withholding certificate is invalid; providing for verification of withholding exemptions and appeal by the claimant; allowing certain spouses to file a joint property tax return claim; altering definitions of dependent for property tax return purposes; providing for payment of property tax refund claims in case of death; conforming estimated tax requirements with federal law; altering the computation of the corporate estimated tax; conforming tax exempt provisions with federal law; altering filing requirements for corporations; allowing the commissioner to adjust the computation of federal adjusted gross income in certain circumstances; specifying or increasing interest rates on certain delinquent taxes and penalties; abolishing an election relating to the lump sum distribution tax; providing penalties; amending Minnesota Statutes 1980, Sections 10A.31, Subdivision 1; 268.12, Subdivision 12; 290.05; 290.06, Subdivision 3d; 290.067, Subdivision 2; 290.09, Subdivision 3; 290.095, Subdivisions 1, 9, and by adding a subdivision; 290.37, Subdivision 1; 290.39, Subdivision 1, and by adding a subdivision; 290.41, Subdivision 2, and by adding subdivisions; 290.42; 290.43; 290.44; 290.46; 290.53, Subdivisions 3 and 3a; 290.61; 290.92, Subdivisions 1, 2a, 7, 15, and by adding subdivisions; 290.93, Subdivisions 1, 3 and 10; 290.931, Subdivision 1; 290.934, Subdivisions 4 and 5; 290A.03, Subdivision 7; 290A.07, Subdivision 4; 290A.08; 290A.11, Subdivisions 2 and 4; 290A.18; 290A.22; proposing new law coded in Minnesota Statutes, Chapters 290 and 290A; repealing Minnesota Statutes 1980, Section 290.032, Subdivision 4.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Wegener, Pehler, Setzepfandt, Engler and Mrs. Lantry introduced—

S.F. No. 1140: A bill for an act relating to statutory cities; raising the limitation on city contracts which the city manager may make; amending Minnesota Statutes 1980, Section 412.691.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Dieterich introduced—

S.F. No. 1141: A bill for an act relating to education; modifying procedures for the dissolution and attachment of a school district; amending Minnesota Statutes 1980, Section 122.22, Subdivisions 3, 4, 5, 8, 9, 11, 13, 14, 20, and by adding a subdivision; repealing Minnesota Statutes 1980, Section 122.22, Subdivisions 10, 12, 15, and 16.

Referred to the Committee on Education.

Mr. Stumpf introduced—

S.F. No. 1142: A bill for an act relating to retirement; providing post retirement annuity or benefit increases for certain retired or disabled public employees; appropriating funds; amending Laws 1979, Chapter 293, Section 10, Subdivisions 1, as amended, 3 and 4.

Referred to the Committee on Public Employees and Pensions.

Mr. Sieloff introduced—

S.F. No. 1143: A bill for an act relating to minors; permitting blood donation by minors; providing circumstances under which minors are emancipated; providing procedures for a declaration of emancipation; amending Minnesota Statutes 1980, Section 145.41; and proposing new law coded in Minnesota Statutes, Chapter 260.

Referred to the Committee on Judiciary.

Messrs. Peterson, D.L.; Setzepfandt; Merriam; Benson and Mrs. Kronebusch introduced—

S.F. No. 1144: A bill for an act relating to agriculture; requiring prompt payment by livestock market agency or livestock dealer; changing legal notice requirements for claims against bonds; amending Minnesota Statutes 1980, Section 17A.06, Subdivision 3; proposing new law coded in Minnesota Statutes, Chapter 17A.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Purfeerst, Menning, Benson, Penny and Renneke introduced—

S.F. No. 1145: A bill for an act relating to education; permitting the operation of single sex wrestling teams; amending Minnesota Statutes 1980, Section 126.21, Subdivision 3.

Referred to the Committee on Education.

Messrs. Pehler and Davis introduced—

S.F. No. 1146: A bill for an act relating to crimes; establishing minimum

terms of imprisonment for use of a dangerous weapon or possession of a firearm; amending Minnesota Statutes 1980, Sections 609.11, Subdivision 1, and by adding subdivisions; and 609.135, Subdivision 1; repealing Minnesota Statutes 1980, Section 609.11, Subdivision 3.

Referred to the Committee on Judiciary.

Ms. Berglin introduced—

S.F. No. 1147: A bill for an act relating to public welfare; providing medical assistance payments for attendant care on an equivalent basis with other providers; appropriating money; amending Minnesota Statutes 1980, Section 256B.02, Subdivision 8.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Davies introduced—

S.F. No. 1148: A bill for an act relating to taxation; redefining "original assessed value" for purposes of the Minnesota tax increment financing act; amending Minnesota Statutes 1980, Sections 273.73, Subdivision 7; and 273.76, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Davies introduced—

S.F. No. 1149: A bill for an act relating to insurance; requiring private passenger vehicle insurers to disclose surcharge rates and plans; proposing new law coded in Minnesota Statutes, Chapter 65B.

Referred to the Committee on Commerce.

Mr. Davies introduced—

S.F. No. 1150: A bill for an act relating to the interstate compact on juveniles; amending the compact to require the home state to authorize the return of a runaway juvenile and to permit a state in which a juvenile is found to return him to a state in which the juvenile is charged with being a delinquent by reason of a violation of criminal law; amending Minnesota Statutes 1980, Section 260.51.

Referred to the Committee on Judiciary.

Mr. Peterson, R.W. introduced—

S.F. No. 1151: A bill for an act relating to county recorders; providing for the disposal of various obsolete records including state and federal liens; amending Minnesota Statutes 1980, Section 386.46.

Referred to the Committee on Judiciary.

Messrs. Davies; Peterson, C.C.; Merriam and Sieloff introduced—

S.F. No. 1152: A bill for an act relating to taxation; providing that an

electing small business corporation for federal income tax purposes shall be an electing small business corporation for Minnesota income tax purposes; amending Minnesota Statutes 1980, Sections 290.01, Subdivision 20; 290.974; proposing new law coded in Minnesota Statutes, Chapter 290; repealing Minnesota Statutes 1980, Sections 290.971; 290.972; 290.973; and 290.975.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Solon and Purfeerst introduced—

S.F. No. 1153: A bill for an act relating to state government; establishing a department of health and social services; transferring duties and powers to the new department from the departments of health and public welfare; abolishing the department of health; prescribing salaries; appropriating money; amending Minnesota Statutes 1980, Sections 3.738, Subdivision 1; 3.755; 6.48; 15.01; 15.1691, Subdivision 1; 15.43, Subdivision 3; 15.46; 15A.081, Subdivision 1; 16A.72; 43.09, Subdivision 2a; 62D.02, Subdivision 3; 116C.03, Subdivision 2; 136.11, Subdivision 1; 144.05; 144.053, Subdivisions 1, 3, and 4; 144.1761; 144.218, Subdivision 2; 144.225, Subdivision 2; 144.226, Subdivision 1; 144.417; 144.422, Subdivisions 6, 9, and 10; 144.424, Subdivision 11; 144.425; 144.53; 144.571; 144.653; 144.656; 144.696, Subdivision 2; 144A.01, Subdivision 2; 144A.05; 144A.10, Subdivisions 1, 3, and 8; 144A.19, Subdivision 1; 144A.52, Subdivision 1; 144A.53, Subdivision 4; 144A.611, Subdivision 3; 145.411, Subdivision 3; 145.833, Subdivision 2; 145.896; 181.54; 214.14; 241.07; 241.31, Subdivision 6; 241.69, Subdivisions 1 and 6; 243.24, Subdivision 1; 243.55, Subdivisions 2 and 3; 243.88, Subdivision 2; 245.03; 245.0311; 245.75; 245.781; 245.782, Subdivision 8; 246.01; 246.14; 246.15, Subdivision 1; 246.151; 246.16; 246.18; 246.28; 246.33, Subdivision 1; 246.50, Subdivision 2; 246.59, Subdivisions 2, 3, and 4; 246.60; 252.31; 252A.02, Subdivision 3;252A.04, Subdivision 4; 253.20; 253A.14, Subdivision 1; 254A.02, Subdivision 13; 256.01, Subdivision 2; 256.012; 256.12, Subdivision 19; 256.482, Subdivision 1; 256.736, Subdivisions 3, 4, 5, and 7; 256.74, Subdivisions 1 and 2; 256.93; 256.94; 256.96; 256.965; 256.971; 256.975, Subdivisions 1 and 2; 256.9753; 256.976, Subdivisions 2, 3, and 4; 256.977, Subdivisions 4 and 5; 256.978; 256B.51, Subdivisions 1 and 2; 257.42; 259.21, Subdivision 5; 259.261, Subdivisions 1 and 3; 376.62; 376.65; 376.66; 462A.03, Subdivision 7; and 473.149, Subdivision 4; proposing new law coded in Minnesota Statutes, Chapter 144; repealing Minnesota Statutes 1980, Sections 15.45, Subdivision 3; 15.47; 144.011; 144.13; 245.04; 245.05; 245.06; 245.07; 253.201; 256.01, Subdivisions 1, 5, 6, 7, 9, and 10; 256.02; 256.05; 256.06; 256.08; 256.09; and 256.10.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Chmielewski introduced—

S.F. No. 1154: A bill for an act relating to state land; authorizing the conveyance of certain state lands in Pine county to the Amherst H. Wilder Foundation.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Chmielewski introduced—

S.F. No. 1155: A bill for an act relating to unemployment compensation;

providing for the collection of contributions; defining employment; providing for contribution rates; regulating extended benefits; regulating benefit eligibility and amount; providing for benefit determination procedures; regulating the use of data; raising the interest rate on late contributions and payments; providing for personal liability for unpaid contributions; providing for recovery of overpayments; and regulating the return and charging of wrongfully paid or received benefits; providing penalties; amending Minnesota Statutes 1980, Sections 268.04, Subdivision 12; 268.06, Subdivisions 19 and 22; 268.071, by adding subdivisions; 268.08, Subdivisions 1, 3, 4, and 6; 268.09, Subdivision 2; 268.10, Subdivisions 1 and 2; 268.11, Subdivision 3; 268.12, Subdivisions 12 and 13; 268.15, Subdivision 3; 268.16, Subdivisions 1 and 2; 268.18, Subdivisions 1, 2, 4, and by adding subdivisions; proposing new law coded in Minnesota Statutes, Chapter 268; repealing Minnesota Statutes 1980, Section 268.16, Subdivision 3.

Referred to the Committee on Employment.

Messrs. Solon and Ulland introduced—

S.F. No. 1156: A bill for an act relating to port authorities; clarifying the exemption of a special county levy for a port authority from certain levy limitations; amending Minnesota Statutes 1980, Section 458.14.

Referred to the Committee on Taxes and Tax Laws.

Mr. Davies introduced—

S.F. No. 1157: A bill for an act relating to education; providing for school bus safety education; eliminating the requirement that a school bus driver wait until children have crossed the road; amending Minnesota Statutes 1980, Section 169.44, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 126.

Referred to the Committee on Transportation.

Mr. Davies introduced—

S.F. No. 1158: A bill for an act relating to civil actions; enacting the uniform class actions act; proposing new law coded in Minnesota Statutes, Chapter 540.

Referred to the Committee on Judiciary.

Messrs. Dicklich and Johnson introduced—

S.F. No. 1159: A bill for an act relating to labor; prohibiting the use of certain evidence by employers; proposing new law coded in Minnesota Statutes, Chapter 181.

Referred to the Committee on Employment.

Messrs. Peterson, C.C.; Langseth; Setzepfandt; Moe, R.D. and Benson introduced—

S.F. No. 1160: A bill for an act relating to public utilities; extending an option as to rate regulation by the public utilities commission to certain small

telephone companies; amending Minnesota Statutes 1980, Sections 237.01; 237.075, Subdivision 9; and 237.081, Subdivision 1a.

Referred to the Committee on Commerce.

Messrs. Peterson, C.C.; Setzepfandt; Sieloff and Berg introduced—

S.F. No. 1161: A bill for an act relating to taxation; income; abolishing the farm loss deduction limitation; amending Minnesota Statutes 1980, Sections 290.01, Subdivision 20; and 290A.03, Subdivision 3; repealing Minnesota Statutes 1980, Section 290.09, Subdivision 29.

Referred to the Committee on Taxes and Tax Laws.

Mr. Davies introduced—

S.F. No. 1162: A bill for an act relating to public finance; providing an alternative general system to issue state and local debt obligations; enacting the "Minnesota All-Government Bond Act"; appropriating money; proposing new law coded as Minnesota Statutes, Chapter 16B.

Referred to the Committee on Governmental Operations.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Mr. Chmielewski moved that the name of Mr. Kroening be added as co-author to S. F. No. 717. The motion prevailed.

Mr. Wegener moved that his name be stricken as chief author and Mr. Bang be added as chief author to S. F. No. 1140. The motion prevailed.

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Thursday, April 2, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TWENTY-NINTH DAY

St. Paul, Minnesota, Thursday, April 2, 1981

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

Prayer was offered by the Chaplain, Rev. Arvid Kingsriter.

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

Bang	Dieterich	Kronebusch	Penny	Sikorski
Belanger	Engler	Langseth	Peterson, C.C.	Solon
Benson	Frank	Lantry	Peterson, D.L.	Spear
Berg	Frederick	Lessard	Peterson, R.W.	Stern
Berglin	Frederickson	Lindgren	Petty	Stokowski
Bernhagen	Hanson	Luther	Pillsbury	Stumpf
Bertram	Hughes	Menning	Purfeerst	Taylor
Brataas	Humphrey	Merriam	Ramstad	Tennessen
Chmielewski	Johnson	Moe, D.M.	Renneke	Ulland
Dahl	Keefe	Moe, R.D.	Rued	Vega
Davies	Knoll	Nelson	Schmitz	Waldorf
Davis	Knutson	Nichols	Setzepfandt	Wegener
Dicklich	Kroening	Pehler	Sieloff	Willet

The President declared a quorum present.

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

MEMBERS EXCUSED

Mr. Olhoft was excused from the Session of today. Mr. Sikorski was excused from the Session of today from 11:00 to 11:15 a.m.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

March 30, 1981

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

The Honorable Jack Davies
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1981 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1981	Date Filed 1981
366		13	March 30	March 30
620		14	March 30	March 30

Sincerely,

Joan Anderson Growe
Secretary of State

April 1, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S. F. No. 7.

Sincerely yours,

Albert H. Quie, Governor

September 25, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointments to the Small Business Finance Agency are hereby respectfully submitted to the Senate for confirmation as required by law:

Robert J. Anderson, 4135 Kings Drive, Minnetonka, Hennepin County, has been appointed by me, effective September 25, 1980, for a term expiring the first Monday in January, 1984.

Noelann Brown, 1037 Goodrich Avenue, St. Paul, Ramsey County, has been appointed by me, effective September 25, 1980, for a term expiring the first Monday in January, 1984.

John F. Campe, 8 Camelsback Road, New Ulm, Brown County, has been appointed by me, effective September 25, 1980, for a term expiring the first Monday in January, 1984.

Larry Dorn, 129 S. Mill, Fergus Falls, Ottertail County, has been appointed by me, effective September 25, 1980, for a term expiring the first Monday in January, 1984.

Archie Givens, Jr., 625 East 16th Street, Minneapolis, Hennepin County, has been appointed by me, effective September 25, 1980, for a term expiring the first Monday in January, 1984.

David L. Printy, 156 Farrington, St. Paul, Ramsey County, has been appointed by me, effective September 25, 1980, for a term expiring the first Monday in January, 1984.

(Referred to the Committee on Employment.)

Sincerely,

Albert H. Quie, Governor

REPORTS OF COMMITTEES

Mr. Willet moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

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

S. F. No. 849: A bill for an act relating to education; adding a representative from the Minnesota association of private post-secondary schools to the higher education advisory council; amending Minnesota Statutes 1980, Section 136A.02, Subdivision 6.

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

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

S. F. No. 861: A bill for an act relating to education; authorizing school boards to permit certain persons to enroll in classes and programs at a secondary school; providing for class fees in certain circumstances; prohibiting districts from counting certain persons enrolled in classes and programs for the purposes of state aid; authorizing districts to provide transportation; increasing the administration fee when senior citizens attend classes at higher education institutions; amending Minnesota Statutes 1980, Sections 123.35, by adding subdivisions; 123.39, by adding a subdivision; and 136A.81, Subdivision 1.

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

Page 1, line 19, after "*enroll*" insert "*as a part-time student*"

Page 1, line 20, delete "*after all full-time pupils attending public*" and insert: ". *In determining if there is space available, full-time public school students, shared-time students and students returning to complete a regular secondary course of study shall be given priority over part-time students seeking enrollment pursuant to this subdivision.*"

Page 1, line 21, delete "*and nonpublic schools in the district have enrolled.*"

Page 2, line 2, after "*charge*" insert "*a part-time student*"

Page 2, line 3, delete "*However, the board may not charge a fee to a*"

Page 2, delete lines 4 and 5

Page 2, line 13, delete "*persons*" and insert "*part-time students*"

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

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

S. F. No. 278: A bill for an act relating to transportation; appropriating money for the purposes of the joint commuter rail study commission; extending the life of the commission and the deadline for its report; amending Laws 1980, Chapter 607, Article XIII, Section 2, Subdivisions 3 and 5.

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

follows:

Pages 1 and 2, delete section 3 and insert:

"Sec. 3. [APPROVAL.]

Sections 1 and 2 shall be effective upon approval by the city councils of St. Cloud, St. Paul and Minneapolis. The governing bodies of those cities shall be responsible for the funding of the study."

Page 2, delete section 4

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, delete line 3

Page 1, line 4, delete "commission;"

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

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

S. F. No. 468: A bill for an act relating to taxation; providing that the proceeds of the motor vehicle excise tax shall be deposited in the highway user tax distribution fund for highway purposes; amending Minnesota Statutes 1980, Sections 168.27, Subdivision 16; 297B.035, Subdivision 2; and 297B.09.

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

Page 1, lines 14, 22, and 23, strike "such" and insert "*the*"

Page 1, line 21, reinstate the stricken language and delete the new language

Page 2, lines 1, 2, 3, and 9, strike "such" and insert "*the*"

Page 2, line 6, strike "thereof" and insert "*of the motor vehicle*"

Page 2, line 15, strike "he" and insert "*the buyer*"

Page 2, line 15, strike "his own" and insert "*the buyer's*"

Page 2, line 17, strike "he" and insert "*the buyer*"

Page 2, line 18, strike "his own" and insert "*the buyer's*"

Page 2, line 24, strike "which" and insert "*that*"

Page 2, line 35, strike everything after "be"

Page 2, line 36, strike everything before and after the stricken "state"

Page 3, line 1, strike "him"

Page 3, lines 2, 3, and 4, delete the new language and insert "*in the state treasury and credited as follows:*

(a) All of the proceeds collected until June 30, 1983, shall be credited to the general fund;

(b) Three-fourths of the proceeds collected after June 30, 1983, and before

July 1, 1984, shall be credited to the general fund;

(c) One-half of the proceeds collected after June 30, 1984, and before July 1, 1985, shall be credited to the general fund;

(d) One-fourth of the proceeds collected after June 30, 1985, and before July 1, 1986, shall be credited to the general fund;

(e) After June 30, 1986, none of the proceeds collected shall be credited to the general fund.

The proceeds collected under chapter 297B and section 1 and not credited to the general fund shall be deposited in the highway user tax distribution fund for apportionment in the same manner and for the same purposes as other money in that fund''

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

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

S. F. No. 835: A bill for an act relating to transportation; classifying the engineers' estimates for all state transportation construction projects as non-public data; adding a new route to the trunk highway system in substitution of an existing route; authorizing the commissioner of transportation to convey or otherwise dispose of certain lands no longer needed for trunk highway purposes; authorizing the temporary transfer of money from certain public funds under certain conditions to certain agency accounts and providing for repayment; increasing the dollar limits for certain contracts and agreements negotiated by the commissioner; defining motor carrier and exempt carrier; transferring the licensing and regulatory provisions for building movers to the transportation regulation board; increasing the dollar limit for development of landing strips; providing fees for hot air balloons and certain non-resident aircraft; amending Minnesota Statutes 1980, Sections 161.16, Subdivision 4; 161.32, Subdivision 2; 161.36, Subdivision 5; 161.46, Subdivision 3; 221.011, Subdivisions 15 and 22; 221.031, Subdivision 2; 221.261; 221.81; 360.305, Subdivision 4; and 360.55, by adding subdivisions; proposing new law coded in Minnesota Statutes, Chapters 15 and 161.

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

Page 2, line 21, strike ''When'' and insert ''*If*''

Page 2, line 21, strike ''shall make'' and insert ''*makes*''

Page 2, line 22, strike ''herein'' and insert ''*in this section*''

Page 2, line 25, strike ''therein'' and insert ''*in the trunk highway*''

Page 2, line 26, strike ''thereof'' and insert ''*of that trunk highway*''

Page 2, line 30, strike ''Provided that''

Page 2, line 36, strike ''provided'' and insert ''*if*''

Page 3, line 3, strike ''which'' and insert ''*that*''

Page 3, line 5, strike ''as to'' and insert ''*in*''

Page 3, line 6, strike ''had'' and insert ''*reached*''

Page 3, line 16, strike "deemed to be"

Page 3, line 17, strike "therefor" and insert "*for the conveyance*"

Page 3, line 18, strike "prior to" and insert "*before*"

Page 3, line 28, strike "; provided, however," and insert "*if*"

Page 3, line 29, strike "any and all" and insert "*the*"

Page 3, line 31, strike "shall" and insert "*does*"

Page 3, line 33, strike "thereof" and insert "*of the quotation*"

Page 4, line 1, strike "moneys" and insert "*funds*"

Page 4, line 4, strike "money is" and insert "*funds are*"

Page 4, line 5, strike "moneys" and insert "*funds*"

Page 4, line 6, delete "*these*" and insert "*those*"

Page 4, line 7, delete "*these*"

Page 4, line 7, strike "moneys" and insert "*funds*"

Page 4, line 8, reinstate "the"

Page 4, line 8, delete "*they*"

Page 4, line 8, strike "were" and insert "*funds are*"

Page 4, line 9, strike "herewith" and insert "*with this section*"

Page 4, line 13, strike "thereof" and insert "*of the United States government*"

Page 4, line 13, delete "*these*"

Page 4, line 13, strike "moneys" and insert "*funds*"

Page 4, line 16, delete "*money*" and insert "*funds*"

Page 4, line 17, delete "*prior to*" and insert "*before*"

Page 4, line 23, delete "*, provided however, that*" and insert a period

Page 5, line 20, strike "his"

Page 5, line 20, delete "*or her*" and insert "*the owner's*"

Page 5, line 31, strike "his"

Page 5, line 31, delete "*or her*" and insert "*that person's*"

Page 6, line 6, strike "his"

Page 6, line 6, delete "*or her*" and insert "*that person's*"

Page 6, line 22, strike "his"

Page 6, line 22, delete "*or her*" and insert "*that person's*"

Page 6, line 26, strike "his"

Page 6, line 26, delete "*or her*" and insert "*that person's*"

Page 6, line 30, strike "thereof" and insert "*of the federal government*"

Page 6, line 32, strike "thereof" and insert "*of state government*"

Page 7, line 2, strike "such as" and insert "*including*"

Page 7, line 10, strike "such"

Page 7, line 13, strike "which" and insert "*that*"

Page 7, lines 18 and 19, strike "his"

Page 7, lines 18 and 19, delete "*or her*" and insert "*that person's*"

Page 7, line 31, strike "any and"

Page 7, line 32, strike "the same" and insert "*those rules*"

Page 7, after line 32, insert:

"Sec. 10. Minnesota Statutes 1980, Section 221.221, is amended to read:

221.221 [ENFORCEMENT POWERS.]

Transportation representatives *and hazardous material specialists* of the department for the purpose of enforcing the provisions of this chapter and the rules of the commissioner and board issued pursuant to this chapter, but for no other purpose, shall have all the powers conferred by law upon police officers. The powers shall include the authority to conduct inspections at designated highway weigh stations or under other appropriate circumstances within the state for the purpose of viewing log books, licenses, health certificates and other documents or equipment required to be maintained within commercial motor vehicles operating in Minnesota pursuant to applicable state motor vehicle carrier laws and rules."

Page 8, line 25, delete "*department*" and insert " *commissioner*"

Page 9, lines 3, 5 and 9, strike "which" and insert "*that*"

Page 9, lines 10, 16, and 21, strike "department" and insert "*commissioner*"

Page 9, after line 22, insert:

"Sec. 13. Minnesota Statutes 1980, Section 360.037, Subdivision 3, is amended to read:

Subd. 3. [USE OF REVENUES.] The revenues obtained from the ownership, control, and operation of any such airport or other air navigation facility shall be used, first, to finance the maintenance and operating expenses thereof and, second, to make payments of interest on and current principal requirements of any outstanding bonds or certificates issued for the acquisition or improvement thereof, and to make payment of interest on any mortgage heretofore made. Revenues in excess of the foregoing requirements ~~may~~ *shall* be applied to finance the extension or improvement of the airport or other air navigation facilities."

Page 9, line 28, strike "itself"

Page 10, line 15, strike "moneys therefor" and insert "*funds for the new landing strip*"

Page 10, line 22, strike "hereunder" and insert "*under this section*"

Page 11, line 23, delete "*$15*" and insert "*$25*"

Page 11, line 34, delete "*$15*" and insert "*$25*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 14, after "carrier;" insert "granting enforcement powers to hazardous material specialists;"

Page 1, line 16, after "board;" insert "requiring excess revenue from an airport to be applied to the improvement of the airport or other air navigation facility;"

Page 1, line 22, after "2;" insert "221.221;"

Page 1, line 23, after "221.81;" insert "360.037, Subdivision 3;"

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

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

S. F. No. 376: A bill for an act relating to taxation; altering the method of taxing the income of certain oil companies by prohibiting their use of the arithmetic average allocation formula and of certain deductions; amending Minnesota Statutes 1980, Sections 290.01, Subdivision 19, and by adding a subdivision; 290.09, Subdivision 8; and 290.19, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 2 to 6, delete sections 2 to 5 and insert:

"Sec. 2. Minnesota Statutes 1980, Section 290.01, is amended by adding a subdivision to read:

Subd. 28. [MAJOR OIL COMPANY.] *The term "major oil company" means a corporation which is engaged in all of the following activities: (1) the extraction or production of crude oil in excess of an average of 100,000 barrels of crude oil per day; (2) the refining of crude oil in excess of an average of 100,000 barrels of crude oil per day; and (3) the marketing or distribution for marketing in this state of gasoline, motor fuel, fuel oil, and similar products from the refining or manufacture of crude oil. A major oil company includes a parent corporation and the subsidiaries of a company engaging in a unitary business if the parent itself or through one or more of its subsidiaries markets or distributes petroleum or petroleum products in Minnesota. In the case of a major oil company that includes a subsidiary or parent as described in the preceding sentence in its unitary business operation, the company shall be required to file a combined or consolidated report showing the combined net income of those companies and other information deemed necessary. The tax on those corporations shall be assessed against either of the corporations whose net income is involved in the report upon the basis of the combined entire net income and other information received in order to accurately reflect the net income earned by the corporation or corporations from business done in this state. For purposes of this subdivision, a subsidiary is a corporation in which the parent owns not less than 50 percent of its voting stock, and whose business activities include the production, refining or marketing of crude petroleum or*

petroleum products; and a company engaging in a unitary business is a group of two or more corporations having some degree of common ownership, each of which is engaged in related business activities.

Sec. 3. Minnesota Statutes 1980, Section 290.09, Subdivision 1, is amended to read:

Subdivision 1. [LIMITATIONS.] *(a) Except as provided in clause (b),* the following deductions from gross income shall be allowed in computing net income, provided that any item which was deducted in arriving at gross income under the provisions of section 290.01, subdivision 20, shall not be again deducted under this section.

(b) A major oil company shall not deduct amounts otherwise deductible for depletion or intangible drilling costs, including ordinary loss deductions taken for nonproductive wells, with respect to the production of petroleum, not including the production of natural gas.

Sec. 4. Minnesota Statutes 1980, Section 290.091, is amended to read:

290.091 [MINIMUM TAX ON PREFERENCE ITEMS.]

~~(a)~~ In addition to all other taxes imposed by this chapter there is hereby imposed, a tax which, in the case of a resident individual, estate or trust, shall be equal to 40 percent of the amount of the taxpayer's minimum tax liability for tax preference items pursuant to the provisions of sections 55 to 58 and 443(d) of the Internal Revenue Code of 1954 as amended through December 31, 1979 except that for purposes of the tax imposed by this section, excess itemized deductions as defined in section 57(b) shall not include any deduction taken for Minnesota income tax paid and capital gain as defined in section 57(a) of the Internal Revenue Code shall not include that portion of any gain occasioned by sale, transfer or the granting of a perpetual easement pursuant to any eminent domain proceeding or threat thereof as described in section 290.13, subdivision 5. This modification shall apply to the years in which the gain or reduction in loss is actually included in federal adjusted gross income even though amounts received pursuant to the eminent domain proceedings were received in prior years. In the case of a taxpayer other than a corporation, an amount equal to one-half of the net capital gain for the taxable year shall be used as the definition of capital gain in place of the deduction determined under section 1202 of the Internal Revenue Code. In the case of a resident individual, estate or trust having preference items which could not be taken to reduce income from sources outside the state pursuant to section 290.17, subdivision 1, or any other taxpayer the tax shall equal 40 percent of that federal liability, multiplied by a fraction the numerator of which is the amount of the taxpayer's preference item income allocated to this state pursuant to the provisions of sections 290.17, subdivision 1, to 290.20, and the denominator of which is the taxpayer's total preference item income for federal purposes.

~~(b) In the case of a resident individual, estate or trust having preference items in taxable years beginning after December 31, 1976, and before January 1, 1978, which are not allocable to Minnesota under the provisions of sections 290.17 to 290.20 in effect for such years, the tax shall equal 40 percent of the taxpayer's federal minimum tax liability, multiplied by a fraction the numerator of which is the amount of the taxpayer's preference items allocable to Minnesota under the provisions of sections 290.17 to 290.20 in effect for those~~

~~years and the denominator of which is the taxpayer's total preference items for federal purposes.~~ *In the case of a major oil company, any amount deducted for depletion for federal tax purposes but not deductible for state tax purposes pursuant to section 290.09, subdivision 1, clause (b) shall not be considered a tax preference item.*

Sec. 5. Minnesota Statutes 1980, Section 290.19, Subdivision 1, is amended to read:

Subdivision 1. [COMPUTATION, BUSINESS CONDUCTED PARTLY WITHIN STATE; APPORTIONMENT.] The taxable net income from a trade or business carried on partly within and partly without this state shall be computed by deducting from the gross income of such business, wherever derived, deductions of the kind permitted by section 290.09, so far as connected with or allocable against the production or receipt of such income. The remaining net income shall be apportioned to Minnesota as follows:

(1) If the business consists of the mining, producing, smelting, refining, or any combination of these activities of copper and nickel ores, or of the manufacture of personal property and the sale of said property within and without the state, the remainder shall be apportioned to Minnesota on the basis of the percentage obtained by taking the ~~arithmetical~~ *weighted* average of the following three percentages *as provided in clause (d)* :

(a) The percentage which the sales made within this state is of the total sales wherever made;

(b) The percentage which the total tangible property, real, personal, and mixed, owned or rented, and used by the taxpayer in this state during the tax period in connection with such trade or business is of the total tangible property, real, personal, or mixed, wherever located, owned or rented and, used by the taxpayer in connection with such trade or business during the tax period; and,

(c) The percentage which the taxpayer's total payrolls paid or incurred in this state or paid in respect to labor performed in this state in connection with such trade or business is of the taxpayer's total payrolls paid or incurred in connection with such entire trade or business;

(d) The percentage of such remainder to be assigned to this state shall ~~not~~ be ~~in excess of~~ the sum of the following percentages: 70 percent of the percentage determined under clause (1) (a), 15 percent of the percentage determined under clause (1) (b), and 15 percent of the percentage determined under clause (1) (c);

(2) (a) In all other cases the remainder shall be apportioned to Minnesota on the basis of the percentage obtained by taking the ~~arithmetical~~ *weighted* average of the following three percentages *as provided in clause (4)* :

(1) The percentage which the sales, gross earnings, or receipts from business operations, in whole or in part, within this state bear to the total sales, gross earnings, or receipts from business operations wherever conducted;

(2) The percentage which the total tangible property, real, personal, and mixed, owned or rented, and used by the taxpayer in this state during the tax period in connection with such trade or business is of the total tangible property, real, personal, or mixed, wherever located, owned, or rented, and used by the taxpayer in connection with such trade or business during the tax period;

and

(3) The percentage which the taxpayer's total payrolls paid or incurred in this state or paid in respect to labor performed in this state in connection with such trade or business is of the taxpayer's total payrolls paid or incurred in connection with such entire trade or business;

(4) The percentage of such remainder to be assigned to this state shall ~~not~~ be ~~in excess of~~ the sum of the following percentages: 70 percent of the percentage determined under clause (2) (a) (1), 15 percent of the percentage determined under clause (2) (a) (2), and 15 percent of the percentage determined under clause (2) (a) (3);

(b) If the methods prescribed under clause (2) (a) will not properly reflect taxable net income assignable to the state, there may be used, if practicable and if such use will properly and fairly reflect such income, the percentage which the sales, gross earnings, or receipts from business operations, in whole or in part, within this state bear to the total sales, gross earnings, or receipts from business operations wherever conducted; or the separate or segregated accounting method. *If the commissioner determines that the methods prescribed in clause (2) (a) will not properly reflect the taxable net income of a major oil company assignable to the state he shall use only the sales factor to determine the amount so assignable*;

(3) The sales, payrolls, earnings, and receipts referred to in this section shall be those for the taxable year in respect of which the tax is being computed. The property referred to in this section shall be the average of the property owned or used by the taxpayer during the taxable year in respect of which the tax is being computed.

Sec. 6. Minnesota Statutes 1980, Section 290.21, Subdivision 4, is amended to read:

Subd. 4. (a) 85 percent of dividends received by a corporation during the taxable year from another corporation, when the corporate stock with respect to which dividends are paid does not constitute the stock in trade of the taxpayer or would not be included in the inventory of the taxpayer, or does not constitute property held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business, or when the trade or business of the taxpayer does not consist principally of the holding of the stocks and the collection of the income and gains therefrom. The remaining 15 percent shall be allowed if the recipient owns 80 percent or more of all the voting stock of such other corporation, and the dividends were paid from income arising out of business done in this state by the corporation paying such dividends; but if the income out of which the dividends are declared was derived from business done within and without this state, then so much of the remainder shall be allowed as a credit as the amount of the taxable net income of the corporation paying the dividends assignable or allocable to this state bears to the entire net income of the corporation, such rate being determined by the returns under this chapter of the corporation paying such dividends for the taxable year preceding the distribution thereof; the burden shall be on the taxpayer of showing that the amount of remainder claimed as a credit has been received from income arising out of business done in this state,

(b) if the trade or business of the taxpayer consists principally of the holding

of the stocks and the collection of the income and gains therefrom, dividends received by a corporation during the taxable year from another corporation, if the recipient owns 80 percent or more of all the voting stock of such other corporation, from income arising out of business done in this state by the corporation paying such dividends; but, if the income out of which the dividends are declared was derived from business done within and without this state, then so much of the dividends shall be allowed as credit as the amount of the taxable net income of the corporation paying the dividends assignable or allocable to this state bears to the entire net income of the corporation, such rate being determined by the returns under this chapter of the corporation paying such dividends for the taxable year preceding the distribution thereof. The burden shall be on the taxpayer of showing that the amount of dividends claimed as a credit has been received from income arising out of business done in this state.

(c) The dividend credit provided in this subdivision shall be allowed only with respect to dividends that are included in a corporation's Minnesota taxable net income for the taxable year.

(d) In the case of a major oil company, no credit shall be allowed for dividends received from a foreign corporation, unless the dividends are received from a subsidiary whose income is combined with that of the parent company receiving the dividend pursuant to section 290.01, subdivision 28."

Page 6, line 10, delete "6" and insert "7"

Page 6, line 11, delete "5" and insert "6"

Amend the title as follows:

Page 1, line 4, delete "the arithmetic average allocation formula"

Page 1, line 5, delete "and of" and after "deductions" insert "and requiring use of combined worldwide income" and after the semicolon, insert "eliminating the use of the arithmetic average allocation formula for all businesses;"

Page 1, line 6, delete "Subdivision 19, and"

Page 1, line 7, delete "8; and" and insert "1; 290.091;"

Page 1, line 8, after "1" insert "; and 290.21, Subdivision 4"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 756: A bill for an act relating to the University of Minnesota hospitals; authorizing the sale of state bonds and loan of the proceeds of the sale to the board of regents of the University of Minnesota; 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. Davies from the Committee on Judiciary, to which was referred

S. F. No. 65: A bill for an act relating to the attorney general; providing that the attorney general shall render bond counsel services to state agencies and

political subdivisions; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 8.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, delete "*shall*" and insert "*may make his services available as*"

Page 1, line 11, delete "*be the exclusive*"

Page 1, line 12, before "*The*" insert "*Upon request,*"

Page 1, line 12, delete "*shall*" and insert "*may*"

Page 1, line 16, delete "*shall*"

Page 1, line 16, delete "*all*"

Page 2, delete lines 13 and 14

Page 2, line 15, delete "*for use in rendering*"

Amend the title as follows:

Page 1, line 3, delete "shall" and insert "may"

Page 1, line 4, after "subdivisions" insert "upon request"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 917: A bill for an act relating to the statutes; removing archaic language from certain laws related to animals; amending Minnesota Statutes 1980, Sections 346.20; 346.21; 346.215; 346.216; 346.22; 346.23; 346.24; 346.25; 346.26; 346.27; 346.28; 346.31; 346.32; 346.33; 346.34; and 347.23.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 2, strike "distillery waste"

Page 2, line 2, strike "or upon"

Page 6, line 8, strike "such" and insert "*the*"

Page 6, line 13, strike "such" and insert "*that*"

Page 6, line 36, strike "the same" and insert "*it*"

Page 6, line 36, strike "any such" and insert "*that*"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 918: A bill for an act relating to Minnesota Statutes; making various clarifications and technical amendments relating to the style and form of Minnesota Statutes 1980, Chapter 56; amending Minnesota Statutes 1980, Sections 56.01; 56.02; 56.04; 56.05; 56.06; 56.07; 56.09; 56.10; 56.11;

56.12; 56.13; 56.14; 56.15, Subdivision 1; 56.16; 56.17; 56.18; 56.19; 56.20; 56.21; 56.22; 56.23; 56.24; 56.25; proposing new law coded in Minnesota Statutes, Chapter 56; repealing Minnesota Statutes 1980, Sections 56.15, Subdivision 2; and 56.26.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 919: A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, omitted and obsolete references and text; eliminating redundant, conflicting and superseded provisions; reenacting certain laws; amending Minnesota Statutes 1980, Sections 10.30; 12.03, Subdivision 9; 12.25, Subdivision 1; 15.0412, Subdivision 4d; 15.1611, Subdivisions 1 and 2; 15.1621, Subdivision 2; 15.163, Subdivision 6; 15.166, Subdivisions 1, 2 and 4; 15.1671; 15.50, Subdivision 1; 15.61, Subdivision 2; 16.172; 16.822, Subdivisions 3 and 6; 17.72; 17B.23; 27.01, Subdivision 1; 31.58;32A.04, Subdivision 1; 35.067; 40.05, Subdivision 4; 40.071; 43.12, Subdivision 19; 43.126, Subdivisions 1 and 2; 43.24, Subdivision 2; 43.323, Subdivision 3; 47.203; 48.88, Subdivision 2; 50.14, Subdivision 5, as reenacted; 55.15; 60A.23, Subdivision 8; 62A.152, Subdivision 2; 62D.22, Subdivision 6; 62D.28, Subdivisions 2 and 3; 65B.05; 65B.06, Subdivision 2; 65B.71, Subdivision 2; 69.031, Subdivision 5; 69.29; 72A.20, Subdivision 15; 72C.11; 79.34, Subdivision 1; 84.55; 84A.52; 84B.05; 90.195; 92.36; 93.45, Subdivision 2; 111.09, Subdivision 2; 111.11; 111.31; 111.36; 111.78; 112.43, Subdivision 2; 115.34, Subdivision 1; 116.02, Subdivision 3; 116.06, Subdivision 1; 116.10; 122.532, Subdivision 3; 144.125; 144.653, Subdivision 1; 144.801, Subdivision 8; 144.92; 144A.01, Subdivision 2; 144A.10, Subdivision 3; 145.838, Subdivision 3; 148.88; 151.26, Subdivision 1; 161.38, Subdivision 6; 162.08, Subdivision 3; 173.12; 173.13, Subdivision 2; 173.20; 173.21; 174.256, Subdivision 5; 176.011, Subdivision 11a; 179.68, Subdivision 2; 179.69, Subdivision 3a; 179.691; 179.692; 182.661, Subdivision 1; 183.52; 183.56; 183.57, Subdivision 2; 183.59; 197.13; 197.48; 197.603, Subdivision 2; 218.031, Subdivision 1; 218.041, Subdivisions 2, 7 and 8; 219.39; 219.40; 219.741; 237.30; 239.05, Subdivision 1; 239.09; 241.021, Subdivision 2; 241.045, Subdivision 6; 241.27, Subdivision 2; 241.62, Subdivision 5; 243.87; 245.05; 245.06; 245.07; 245.781; 245.782, Subdivisions 1, 11 and 12; 245.783, Subdivisions 1, 2 and 3; 245.791; 245.801, Subdivision 5; 245.802, Subdivision 2; 245.803, Subdivisions 1, 2 and 3; 245.812, Subdivisions 2, 5 and 6; 250.05, Subdivisions 2 and 4; 256.25; 256.263, Subdivision 1; 256.483, Subdivision 1; 256B.15; 256E.03, Subdivision 2; 256E.06, Subdivision 2; 257.64, Subdivision 1; 260.241, Subdivision 4; 273.13, Subdivision 6; 275.50, Subdivisions 2 and 5; 282.281; 290.05, Subdivision 1; 290.14; 290.35; 290.53, Subdivision 4; 290.92, Subdivision 5; 290A.01; 290A.02; 290A.03, Subdivisions 1, 3, 8, 11 and 12; 290A.08; 290A.09; 290A.11, Subdivision 1; 290A.13; 290A.15; 290A.16; 290A.17; 290A.20; 290A.22; 294.25; 295.34, Subdivision 1; 297.03, Subdivision 3; 298.223; 298.244, Subdivision 2; 299F.19, Subdivision 6; 299H.22, Subdivision 2; 308.07, Subdivision 10; 325F.34; 326.02, Subdivisions 1, 2, 3, 4a and 5; 326.03, Subdivision 5; 326.08, Subdivision 1; 326.11, Subdivision 1; 326.12, Subdivision 3; 326.13; 340.54, Subdivisions 1 and 2; 349.11; 352.22, Subdivision 3; 352B.075, Subdivision 1; 353.661, Subdivision 2; 353.71, Subdivision 1; 354.44, Subdivision 1a; 354A.21; 360.037, Subdivision 2; 368.86; 412.251; 414.0325, Subdivisions 1 and 5; 418.20; 423.075,

Subdivision 2; 427.09; 447.34, Subdivision 1; 447.35; 447.45, Subdivision 1; 465.72; 471.371, Subdivision 3; 471.616, Subdivision 1; 471.617; 471.74, Subdivision 2; 473.438, Subdivision 3; 473F.02, Subdivision 17; 474.03; 480.059, Subdivision 7; 485.14; 508.37, by adding a subdivision; 518.155; 518.66; 595.021; 595.022; 611.07, Subdivision 3; 611.12, Subdivision 7; 626.556, Subdivision 11; 626A.12, Subdivision 5; 628.56; 629.404, Subdivision 1; Laws 1980, Chapter 614, Section 163; reenacting Minnesota Statutes 1980, Section 50.14, Subdivision 5; reenacting and validating Laws 1980, Chapters 528 and 556; repealing Minnesota Statutes 1980, Chapters 2A and 3B; Sections 115.15; 115.16; 218.041, Subdivision 3; 273.061, Subdivision 11; 282.11; 325F.33; 325F.49; 325F.50; 473F.08, Subdivision 11; 475.53, Subdivision 2; 508.37, Subdivision 1; Laws 1979, Chapters 40, Sections 6 and 9; 303, Article 2, Section 7, and Article 10, Section 7; and 334, Article 3, Section 15; Laws 1980, Chapters 437, Section 4; 460, Sections 5, 18, 19 and 27; 487, Section 14; 509, Section 127; 528, Section 4; 534, Sections 27, 31, 39, 47, 53 and 54; 579, Section 3; and 600, section 8.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 43: A bill for an act relating to actions involving negligence; providing that contributory fault be measured against the aggregate fault of persons from whom recovery is sought; amending Minnesota Statutes 1980, Section 604.01, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 24, after the period, insert "*A person whose fault is less than that of a claimant is liable to the claimant only for that portion of the judgment which represents the percentage of fault attributable to him.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H. F. No. 297 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.
				297	253

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 were referred

H. F. Nos. 601, 443, 211 and 471 for comparison with companion Senate Files, reports the following House Files were found not identical with their companion Senate Files 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.
601	645				
443	527				
211	788				
				471	244

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 601 be amended as follows:

Amend the title as follows:

Page 1, line 4, after "auditor;" insert "increasing the filing fee for the report;"

And when so amended H. F. No. 601 will be identical to S. F.No. 645, and further recommends that H. F. No. 601 be given its second reading and substituted for S. F. No. 645, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 443 be amended as follows:

Page 1, line 16, delete "*the*" and insert "*a*"

And when so amended H. F. No. 443 will be identical to S. F.No. 527, and further recommends that H. F. No. 443 be given its second reading and substituted for S. F. No. 527, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 211 be amended as follows:

Page 1, line 7, delete "[MOORHEAD ANNEXATIONS.]" and insert "[414.036] [MUNICIPAL REIMBURSEMENT.]"

Page 1, line 8, delete "*municipal*"

Page 1, line 9, delete "*the city of Moorhead*" and insert "*a municipality*"

Page 1, line 10, delete "*city*" and insert "*municipality*"

Page 1, line 11, delete "*city*" and insert "*municipality*"

Page 1, delete lines 15 to 21

Amend the title as follows:

Page 1, lines 3 and 4, delete "to the city of Moorhead by" and insert "in" and after "annexations" insert "; proposing new law coded in Minnesota Statutes, Chapter 414"

And when so amended H. F. No. 211 will be identical to S. F.No. 788, and further recommends that H. F. No. 211 be given its second reading and substituted for S. F. No. 788, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 471 be amended as follows:

Page 2, line 14, after the second "*in*" insert "*a separate account known as*"

Page 2, lines 15 and 16, delete "*in the general fund. These funds shall be*" and insert "*which is annually*"

And when so amended H. F. No. 471 will be identical to S. F.No. 244, and further recommends that H. F. No. 471 be given its second reading and substituted for S. F. No. 244, 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. 849, 278, 835, 376, 917, 918, 919 and 43 were read the second time.

SECOND READING OF HOUSE BILLS

H. F. Nos. 297, 601, 443, 211 and 471 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Berg moved that the name of Mr. Langseth be added as co-author to S. F. No. 283. The motion prevailed.

Mr. Dieterich moved that the name of Mr. Lindgren be added as co-author to S. F. No. 1141. The motion prevailed.

Mr. Pillsbury moved that the names of Messrs. Purfeerst, Schmitz and Menning be added as co-authors to S. F. No. 1032. The motion prevailed.

Mr. Bertram introduced—

Senate Resolution No. 41: A Senate resolution congratulating the Dutchmen basketball team from Melrose High School for winning the South Subregion of Region 8 in the 1981 Class AA State High School basketball tournament.

Referred to the Committee on Rules and Administration.

Mr. Davies moved that his name be stricken as chief author and Mr. Spear be shown as chief author to S. F. No. 152. The motion prevailed.

CALENDAR

H. F. No. 269: A bill for an act relating to elections; allowing a candidate to transport parents of the candidate or the candidate's spouse to or from the polls; amending Minnesota Statutes 1980, Section 210A.13, Subdivision 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 55 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Davis	Kroening	Peterson,C.C.	Spear
Belanger	Dicklich	Kronebusch	Peterson,D.L.	Stern
Benson	Dieterich	Lantry	Peterson,R.W.	Stokowski
Berg	Engler	Lessard	Petty	Stumpf
Berglin	Frank	Lindgren	Pillsbury	Taylor
Bernhagen	Frederickson	Luther	Purfeerst	Tennessen
Bertram	Hanson	Menning	Ramstad	Ulland
Brataas	Humphrey	Merriam	Rued	Vega
Chmielewski	Johnson	Nelson	Schmitz	Waldorf
Dahl	Keefe	Pehler	Sieloff	Wegener
Davies	Knoll	Penny	Solon	Willet

So the bill passed and its title was agreed to.

S. F. No. 365: A bill for an act relating to state employees; authorizing the deduction from salaries or wages of sums of moneys designated by them for certain combined charitable funds; amending Minnesota Statutes 1980, Section 15.375, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 309; repealing Minnesota Statutes 1980, Section 15.375, Subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Dicklich	Langseth	Peterson,D.L.	Stern
Belanger	Dieterich	Lantry	Peterson,R.W.	Stokowski
Benson	Engler	Lessard	Petty	Stumpf
Berg	Frank	Lindgren	Pillsbury	Taylor
Berglin	Frederick	Luther	Purfeerst	Tennessen
Bernhagen	Frederickson	Menning	Ramstad	Ulland
Bertram	Hanson	Merriam	Rued	Vega
Brataas	Humphrey	Moe, D. M.	Schmitz	Waldorf
Chmielewski	Johnson	Nelson	Setzepfandt	Wegener
Dahl	Knoll	Pehler	Sieloff	Willet
Davies	Kroening	Penny	Solon	
Davis	Kronebusch	Peterson,C.C.	Spear	

So the bill passed and its title was agreed to.

S. F. No. 208: A bill for an act relating to air pollution; allowing cities and urban towns to adopt ordinances to permit and regulate open burning of leaves; amending Minnesota Statutes 1980, Section 116.07, by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 50 and nays 10, as follows:

Those who voted in the affirmative were:

Bang	Engler	Langseth	Peterson,D.L.	Sikorski
Belanger	Frederick	Lantry	Peterson,R.W.	Solon
Benson	Frederickson	Lessard	Pillsbury	Stern
Berg	Hanson	Lindgren	Purfeerst	Stokowski
Bernhagen	Humphrey	Luther	Ramstad	Taylor
Bertram	Johnson	Moe, D. M.	Renneke	Ulland
Brataas	Keefe	Nelson	Rued	Vega
Chmielewski	Knoll	Pehler	Schmitz	Waldorf
Davies	Kroening	Penny	Setzepfandt	Wegener
Dicklich	Kronebusch	Peterson,C.C.	Sieloff	Willet

Those who voted in the negative were:

Berglin	Davis	Frank	Petty	Stumpf
Dahl	Dieterich	Merriam	Spear	Tennessen

So the bill passed and its title was agreed to.

S. F. No. 336: A bill for an act relating to local government; making explicit the power of local government units to establish more than one recreation board; amending Minnesota Statutes 1980, Section 471.15.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Dieterich	Lantry	Petty	Stern
Belanger	Frank	Lessard	Pillsbury	Stokowski
Benson	Frederick	Lindgren	Purfeerst	Stumpf
Berg	Frederickson	Luther	Ramstad	Taylor
Berglin	Hanson	Menning	Renneke	Tennessen
Bernhagen	Humphrey	Merriam	Rued	Ulland
Bertram	Johnson	Moe, D.M.	Schmitz	Vega
Brataas	Keefe	Nelson	Setzepfandt	Waldorf
Chmielewski	Knoll	Penny	Sieloff	Wegener
Dahl	Kroening	Peterson, C.C.	Sikorski	Willet
Davis	Kronebusch	Peterson, D.L.	Solon	
Dicklich	Langseth	Peterson, R.W.	Spear	

So the bill passed and its title was agreed to.

S. F. No. 384: A bill for an act relating to local government; providing that charter commission documents be available to the public; amending Minnesota Statutes 1980, Sections 410.05, Subdivision 4; and 410.07.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Dicklich	Kronebusch	Peterson, D.L.	Solon
Belanger	Dieterich	Langseth	Peterson, R.W.	Spear
Benson	Engler	Lantry	Petty	Stern
Berg	Frank	Lindgren	Pillsbury	Stokowski
Berglin	Frederick	Luther	Purfeerst	Stumpf
Bernhagen	Frederickson	Menning	Ramstad	Taylor
Bertram	Hanson	Merriam	Renneke	Tennessen
Brataas	Humphrey	Moe, D.M.	Rued	Ulland
Chmielewski	Johnson	Nelson	Schmitz	Vega
Dahl	Keefe	Pehler	Setzepfandt	Waldorf
Davies	Knoll	Penny	Sieloff	Wegener
Davis	Kroening	Peterson, C.C.	Sikorski	Willet

So the bill passed and its title was agreed to.

H. F. No. 201: A bill for an act relating to fire control services; providing for reimbursement by railroads and the department of public safety; setting the time limit for claims; amending Minnesota Statutes 1980, Sections 161.465; and 219.761, Subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Dieterich	Lantry	Petty	Stokowski
Belanger	Engler	Lessard	Pillsbury	Stumpf
Benson	Frank	Lindgren	Purfeerst	Taylor
Berg	Frederick	Luther	Ramstad	Tennessen
Berglin	Frederickson	Menning	Renneke	Ulland
Bernhagen	Hanson	Merriam	Rued	Vega
Bertram	Humphrey	Moe, D.M.	Schmitz	Waldorf
Brataas	Johnson	Nelson	Setzepfandt	Wegener
Chmielewski	Keefe	Pehler	Sieloff	Willet
Dahl	Knoll	Penny	Sikorski	
Davies	Kroening	Peterson, C.C.	Solon	
Davis	Kronebusch	Peterson, D.L.	Spear	
Dicklich	Langseth	Peterson, R.W.	Stern	

So the bill passed and its title was agreed to.

S. F. No. 197: A bill for an act relating to highway traffic regulations; providing for the type and placement of reflectors on certain farm equipment; amending Minnesota Statutes 1980, Section 169.55, Subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Dicklich	Kroening	Peterson,C.C.	Sikorski
Belanger	Dieterich	Kronebusch	Peterson,D.L.	Solon
Benson	Engler	Langseth	Peterson,R.W.	Spear
Berg	Frank	Lantry	Petty	Stern
Berglin	Frederick	Lindgren	Pillsbury	Stokowski
Bernhagen	Frederickson	Luther	Purfeerst	Stumpf
Bertram	Hanson	Menning	Ramstad	Taylor
Brataas	Hughes	Merriam	Renneke	Tennessen
Chmielewski	Humphrey	Moe, D. M.	Rued	Ulland
Dahl	Johnson	Nelson	Schmitz	Vega
Davies	Keefe	Pehler	Setzepfandt	Waldorf
Davis	Knoll	Penny	Sieloff	Willet

So the bill passed and its title was agreed to.

S. F. No. 263: A bill for an act relating to highway traffic regulations; requiring the use of child passenger restraint systems for certain children under the age of four years; prescribing penalties; amending Minnesota Statutes 1980, Section 169.685, Subdivision 4, and by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 40 and nays 22, as follows:

Those who voted in the affirmative were:

Berglin	Hanson	Lantry	Peterson,R.W.	Stern
Chmielewski	Hughes	Luther	Petty	Stokowski
Dahl	Humphrey	Menning	Purfeerst	Stumpf
Davies	Johnson	Merriam	Schmitz	Tennessen
Davis	Knoll	Moe, R. D.	Setzepfandt	Vega
Dicklich	Kroening	Nelson	Sikorski	Waldorf
Dieterich	Kronebusch	Penny	Solon	Wegener
Frank	Langseth	Peterson,C.C.	Spear	Willet

Those who voted in the negative were:

Bang	Bertram	Keefe	Pillsbury	Taylor
Belanger	Brataas	Knutson	Ramstad	Ulland
Benson	Engler	Lessard	Renneke	
Berg	Frederick	Lindgren	Rued	
Bernhagen	Frederickson	Peterson,D.L.	Sieloff	

So the bill passed and its title was agreed to.

S. F. No. 432: A bill for an act relating to taxation; providing dates for settlement of mortgage registry and deed tax receipts; providing for payment of excise tax on special fuel by bulk purchasers; clarifying responsibilities and authority of commissioner of revenue in administering and auditing mineral taxes; providing for filing requirements for royalty reports; amending Minnesota Statutes 1980, Sections 287.12; 287.29, Subdivision 1; 296.12, Subdivisions 3, 4, and 5, and by adding a subdivision; 298.09, by adding a subdivision; 298.15; 299.03; 299.05; and 299.12; and repealing Minnesota Statutes 1980, Section 287.29, Subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Dieterich	Kronebusch	Peterson,C.C.	Solon
Belanger	Engler	Langseth	Peterson,D.L.	Spear
Benson	Frank	Lantry	Peterson,R.W.	Stern
Berg	Frederick	Lessard	Petty	Stokowski
Berglin	Frederickson	Lindgren	Pillsbury	Stumpf
Bernhagen	Hanson	Luther	Purfeerst	Taylor
Bertram	Hughes	Menning	Ramstad	Tennessen
Brataas	Humphrey	Merriam	Renneke	Ulland
Chmielewski	Johnson	Moe, D. M.	Rued	Vega
Dahl	Keefe	Moe, R. D.	Schmitz	Waldorf
Davies	Knoll	Nelson	Setzepfandt	Wegener
Davis	Knutson	Pehler	Sieloff	Willet
Dicklich	Kroening	Penny	Sikorski	

So the bill passed and its title was agreed to.

H. F. No. 173: A bill for an act relating to human rights; providing that certain statutes be equally applicable to all persons regardless of sex, including statutes related to the health department, suits for seduction, garnishment actions, judicial pensions, and probate proceedings; providing for a penalty; amending Minnesota Statutes 1980, Sections 46.09, Subdivision 1; 144.06; 181.07; 242.47; 246.53; 256.85; 290.28, Subdivision 3; 490.102, Subdivisions 6 and 7; 510.06; 519.05; 525.05; 525.082; 540.07; 540.08; 540.09; 558.28; 576.08; 609.375; 629.55; and 631.09.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Brataas	Engler	Johnson	Lantry
Belanger	Chmielewski	Frank	Keefe	Lessard
Benson	Dahl	Frederick	Knoll	Lindgren
Berg	Davies	Frederickson	Knutson	Luther
Berglin	Davis	Hanson	Kroening	Menning
Bernhagen	Dicklich	Hughes	Kronebusch	Merriam
Bertram	Dieterich	Humphrey	Langseth	Moe, D. M.

Moe, R. D.	Peterson,R.W.	Rued	Spear	Ulland
Nelson	Petty	Schmitz	Stern	Vega
Pehler	Pillsbury	Setzepfandt	Stokowski	Waldorf
Penny	Purfeerst	Sieloff	Stumpf	Wegener
Peterson,C.C.	Ramstad	Sikorski	Taylor	Willet
Peterson,D.L.	Renneke	Solon	Tennessen	

So the bill passed and its title was agreed to.

S. F. No. 329: A bill for an act relating to probate; providing that certain mobile homes are homesteads; amending Minnesota Statutes 1980, Section 525.145.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Dieterich	Langseth	Peterson,D.L.	Spear
Belanger	Engler	Lantry	Peterson,R.W.	Stern
Benson	Frank	Lessard	Petty	Stokowski
Berg	Frederick	Lindgren	Pillsbury	Stumpf
Berglin	Frederickson	Luther	Purfeerst	Taylor
Bernhagen	Hanson	Menning	Ramstad	Tennessen
Bertram	Hughes	Merriam	Renneke	Ulland
Brataas	Humphrey	Moe, D. M.	Rued	Vega
Chmielewski	Johnson	Moe, R. D.	Schmitz	Waldorf
Dahl	Keefe	Nelson	Setzepfandt	Wegener
Davies	Knoll	Pehler	Sieloff	Willet
Davis	Kroening	Penny	Sikorski	
Dicklich	Kronebusch	Peterson,C.C.	Solon	

So the bill passed and its title was agreed to.

S. F. No. 182: A bill for an act relating to probate; increasing the surviving spouse's share of certain personal property; amending Minnesota Statutes 1980, Section 525.15.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Dieterich	Kronebusch	Peterson,C.C.	Solon
Belanger	Engler	Langseth	Peterson,D.L.	Spear
Benson	Frank	Lantry	Peterson,R.W.	Stern
Berg	Frederick	Lessard	Petty	Stokowski
Berglin	Frederickson	Lindgren	Pillsbury	Stumpf
Bernhagen	Hanson	Luther	Purfeerst	Taylor
Bertram	Hughes	Menning	Ramstad	Tennessen
Brataas	Humphrey	Merriam	Renneke	Ulland
Chmielewski	Johnson	Moe, D. M.	Rued	Vega
Dahl	Keefe	Moe, R. D.	Schmitz	Waldorf
Davies	Knoll	Nelson	Setzepfandt	Wegener
Davis	Knutson	Pehler	Sieloff	Willet
Dicklich	Kroening	Penny	Sikorski	

So the bill passed and its title was agreed to.

S. F. No. 454: A bill for an act relating to crimes; redefining criminal sexual conduct; amending Minnesota Statutes 1980, Sections 609.341, Subdivision 11; 609.342; 609.343; and 609.345.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Dieterich	Langseth	Peterson,D.L.	Spear
Belanger	Engler	Lantry	Peterson,R.W.	Stern
Benson	Frank	Lessard	Petty	Stokowski
Berg	Frederick	Lindgren	Pillsbury	Stumpf
Berglin	Frederickson	Luther	Purfeerst	Taylor
Bernhagen	Hanson	Menning	Ramstad	Tennessen
Bertram	Hughes	Merriam	Renneke	Ulland
Brataas	Humphrey	Moe, D. M.	Rued	Vega
Chmielewski	Johnson	Moe, R. D.	Schmitz	Waldorf
Dahl	Knoll	Nelson	Setzepfandt	Wegener
Davies	Knutson	Pehler	Sieloff	Willet
Davis	Kroening	Penny	Sikorski	
Dicklich	Kronebusch	Peterson,C.C.	Solon	

So the bill passed and its title was agreed to.

S. F. No. 375: A bill for an act relating to Hennepin county; providing for the administration of health care and related services of the county; providing for the administration of the duties and the appointment of the county medical examiner; repealing Laws 1963, Chapter 738, as amended; and Laws 1963, Chapter 848, as amended.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Belanger	Frank	Lantry	Peterson,D.L.	Spear
Benson	Frederick	Lessard	Peterson,R.W.	Stern
Berglin	Frederickson	Lindgren	Petty	Stokowski
Bernhagen	Hanson	Luther	Pillsbury	Stumpf
Bertram	Hughes	Menning	Purfeerst	Taylor
Brataas	Humphrey	Merriam	Ramstad	Tennessen
Chmielewski	Johnson	Moe, D. M.	Renneke	Ulland
Dahl	Keefe	Moe, R. D.	Rued	Vega
Davies	Knoll	Nelson	Schmitz	Waldorf
Davis	Knutson	Nichols	Setzepfandt	Wegener
Dicklich	Kroening	Pehler	Sieloff	Willet
Dieterich	Kronebusch	Penny	Sikorski	
Engler	Langseth	Peterson,C.C.	Solon	

So the bill passed and its title was agreed to.

S. F. No. 275: A bill for an act relating to counties; permitting escalation clauses or negotiated price changes in county contracts; clarifying advertising requirements; amending Minnesota Statutes 1980, Section 375.21, Subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 35 and nays 28, as follows:

Those who voted in the affirmative were:

Bang	Dieterich	Lessard	Rued	Tennessen
Belanger	Frederickson	Nelson	Schmitz	Ulland
Benson	Hughes	Penny	Setzepfandt	Wegener
Brataas	Johnson	Peterson,C.C.	Solon	
Chmielewski	Keefe	Petty	Spear	
Davies	Knoll	Purfeerst	Stern	
Davis	Langseth	Ramstad	Stokowski	
Dicklich	Lantry	Renneke	Stumpf	

Those who voted in the negative were:

Berg	Frank	Kronebusch	Moe, R. D.	Taylor
Berglin	Frederick	Lindgren	Nichols	Vega
Bernhagen	Hanson	Luther	Pehler	Waldorf
Bertram	Humphrey	Menning	Peterson,D.L.	Willet
Dahl	Knutson	Merriam	Peterson,R.W.	
Engler	Kroening	Moe, D. M.	Sikorski	

So the bill passed and its title was agreed to.

H. F. No. 84: A bill for an act relating to the city of St. James; authorizing the issuance of revenue bonds for the acquisition and betterment of an airport facility.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Engler	Langseth	Peterson,C.C.	Spear
Belanger	Frank	Lantry	Peterson,D.L.	Stern
Benson	Frederick	Lessard	Peterson,R.W.	Stokowski
Berg	Frederickson	Lindgren	Petty	Stumpf
Berglin	Hanson	Luther	Purfeerst	Taylor
Bernhagen	Hughes	Menning	Ramstad	Tennessen
Bertram	Humphrey	Merriam	Renneke	Ulland
Brataas	Johnson	Moe, D. M.	Rued	Vega
Chmielewski	Keefe	Moe, R. D.	Schmitz	Waldorf
Dahl	Knoll	Nelson	Setzepfandt	Wegener
Davies	Knutson	Nichols	Sieloff	Willet
Davis	Kroening	Pehler	Sikorski	
Dicklich	Kronebusch	Penny	Solon	

So the bill passed and its title was agreed to.

S. F. No. 347: A bill for an act relating to Hennepin county; providing for the administration of the county library system; repealing Laws 1957, Chapter 788, as amended; and Extra Session Laws 1967, Chapter 24, as amended.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Dieterich	Kronebusch	Penny	Solon
Belanger	Engler	Langseth	Peterson,C.C.	Spear
Benson	Frank	Lantry	Peterson,D.L.	Stern
Berg	Frederick	Lessard	Peterson,R.W.	Stokowski
Berglin	Frederickson	Lindgren	Petty	Stumpf
Bernhagen	Hanson	Luther	Purfeerst	Taylor
Bertram	Hughes	Menning	Ramstad	Tennessen
Brataas	Humphrey	Merriam	Renneke	Ulland
Chmielewski	Johnson	Moe, D. M.	Rued	Vega
Dahl	Keefe	Moe, R. D.	Schmitz	Waldorf
Davies	Knoll	Nelson	Setzepfandt	Wegener
Davis	Knutson	Nichols	Sieloff	Willet
Dicklich	Kroening	Pehler	Sikorski	

So the bill passed and its title was agreed to.

S. F. No. 331: A bill for an act relating to the military; expanding the authorized uses of the military land fund to include forest management on military lands and to provide an enlisted persons service center at Camp Ripley; amending Minnesota Statutes 1980, Section 190.25, Subdivision 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Engler	Lantry	Peterson,R.W.	Stumpf
Belanger	Frank	Lessard	Petty	Taylor
Benson	Frederick	Lindgren	Purfeerst	Tennessen
Berg	Frederickson	Luther	Ramstad	Ulland
Berglin	Hanson	Menning	Renneke	Vega
Bernhagen	Hughes	Merriam	Rued	Waldorf
Bertram	Humphrey	Moe, D. M.	Schmitz	Wegener
Brataas	Johnson	Moe, R. D.	Setzepfandt	Willet
Chmielewski	Keefe	Nelson	Sieloff	
Dahl	Knoll	Nichols	Sikorski	
Davies	Knutson	Pehler	Solon	
Davis	Kroening	Penny	Spear	
Dicklich	Kronebusch	Peterson,C.C.	Stern	
Dieterich	Langseth	Peterson,D.L.	Stokowski	

So the bill passed and its title was agreed to.

S. F. No. 400: A bill for an act relating to peace officers; changing the designation of part-time officers and reserve officers; removing the hours of work limitation for certain part-time peace officers; permitting reserve peace officers to carry firearms in emergencies; providing for two members to the peace officers standards and training board from among elected city officials; authorizing the board to provide for training for certain part-time peace officers; authorizing the board to obtain criminal history data; amending Minnesota Statutes 1980, Sections 214.10, Subdivision 7; 626.84; 626.841; 626.843, Subdivision 1; 626.845, Subdivision 1; 626.846, Subdivisions 1 and 2; 626.8461; 626.8462; 626.8463; 626.8464; 626.8465, Subdivisions 1 and 2; 626.851, Subdivision 1; and 626.852.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 4, as follows:

Those who voted in the affirmative were:

Bang	Engler	Langseth	Peterson,D.L.	Stern
Belanger	Frank	Lantry	Peterson,R.W.	Stokowski
Benson	Frederickson	Lessard	Petty	Stumpf
Berg	Hanson	Lindgren	Purfeerst	Taylor
Bernhagen	Hughes	Luther	Ramstad	Ulland
Bertram	Humphrey	Menning	Renneke	Vega
Brataas	Johnson	Merriam	Rued	Waldorf
Chmielewski	Keefe	Moe, R. D.	Schmitz	Wegener
Dahl	Knoll	Nelson	Setzepfandt	Willet
Davies	Knutson	Pehler	Sieloff	
Davis	Kroening	Penny	Sikorski	
Dicklich	Kronebusch	Peterson,C.C.	Solon	

Ms. Berglin; Messrs. Moe, D. M.; Spear and Tennessen voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 34: A bill for an act relating to public welfare; allowing the commissioner of public welfare to grant a variance related to certain license holders whose licenses have been previously revoked; amending Minnesota Statutes 1980, Section 245.801, Subdivision 6.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Engler	Lantry	Peterson,R.W.	Stumpf
Belanger	Frank	Lessard	Petty	Taylor
Benson	Frederick	Lindgren	Purfeerst	Tennessen
Berg	Frederickson	Luther	Ramstad	Ulland
Berglin	Hanson	Menning	Renneke	Vega
Bernhagen	Hughes	Merriam	Rued	Waldorf
Bertram	Humphrey	Moe, D. M.	Schmitz	Wegener
Brataas	Johnson	Moe, R. D.	Setzepfandt	Willet
Chmielewski	Keefe	Nelson	Sieloff	
Dahl	Knoll	Nichols	Sikorski	
Davies	Knutson	Pehler	Solon	
Davis	Kroening	Penny	Spear	
Dicklich	Kronebusch	Peterson,C.C.	Stern	
Dieterich	Langseth	Peterson,D.L.	Stokowski	

So the bill passed and its title was agreed to.

S. F. No. 249: A bill for an act relating to watershed districts; requiring published notice and a public hearing before district managers adopt a budget; amending Minnesota Statutes 1980, Section 112.611, Subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 1, as follows:

Those who voted in the affirmative were:

Belanger	Brataas	Dieterich	Hughes	Kroening
Benson	Chmielewski	Engler	Humphrey	Kronebusch
Berg	Dahl	Frank	Johnson	Langseth
Berglin	Davies	Frederick	Keefe	Lantry
Bernhagen	Davis	Frederickson	Knoll	Lessard
Bertram	Dicklich	Hanson	Knutson	Lindgren

Luther	Penny	Renneke	Spear	Vega
Menning	Peterson,C.C.	Rued	Stern	Waldorf
Merriam	Peterson,D.L.	Schmitz	Stokowski	Wegener
Moe, D. M.	Peterson,R.W.	Setzepfandt	Stumpf	Willet
Moe, R. D.	Petty	Sieloff	Taylor	
Nelson	Purfeerst	Sikorski	Tennessen	
Pehler	Ramstad	Solon	Ulland	

Mr. Bang voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 2: A bill for an act relating to the Mississippi River headwaters area; establishing a joint board of counties to prepare, adopt and implement a comprehensive land use plan for the Mississippi River headwaters area; imposing a temporary moratorium on the use of certain lands subject to city land use controls; proposing new law coded as Minnesota Statutes, Chapter 114B.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Dieterich	Kronebusch	Peterson,C.C.	Spear
Belanger	Engler	Langseth	Peterson,D.L.	Stern
Benson	Frank	Lantry	Peterson,R.W.	Stokowski
Berg	Frederick	Lessard	Petty	Stumpf
Berglin	Frederickson	Lindgren	Purfeerst	Taylor
Bernhagen	Hanson	Luther	Ramstad	Tennessen
Bertram	Hughes	Menning	Renneke	Ulland
Brataas	Humphrey	Merriam	Rued	Vega
Chmielewski	Johnson	Moe, D. M.	Schmitz	Waldorf
Dahl	Keefe	Moe, R. D.	Setzepfandt	Wegener
Davies	Knoll	Nelson	Sieloff	Willet
Davis	Knutson	Pehler	Sikorski	
Dicklich	Kroening	Penny	Solon	

So the bill passed and its title was agreed to.

H. F. No. 71: A bill for an act relating to elections; revising, reorganizing and recodifying major portions of the Minnesota election law; modernizing and improving language, organization and style; clarifying certain ambiguities; removing certain obsolete terms and provisions; restating guidelines for determining voter eligibility; providing for voter registration, absentee voting, the conduct of elections and the counting and canvassing of election returns; defining terms; providing penalties; making necessary technical amendments, corrections and other revisions; amending Minnesota Statutes 1980, Sections 10A.01, Subdivision 12; 40.05, Subdivision 3; 123.32, Subdivision 7; 200.01; 200.02; 201.01; 201.021; 201.061; 201.071; 201.081; 201.091; 201.11; 201.12; 201.121; 201.13; 201.14; 201.15; 201.161; 201.171; 201.18; 201.211; 201.221; 201.27; 201.275; 202A.11; 202A.16, Subdivision 1; 205.01; 205.03; 205.11, Subdivision 4a; 205.13, Subdivision 1; 205.14, Subdivision 4; 205.15; 205.17, Subdivision 2; 205.20, Subdivisions 2 and 5; 206.026, Subdivision 5; 206.07, Subdivision 1; 206.185, Subdivisions 1 and 5; 206.20, Subdivision 2; 206.21, Subdivisions 1 and 2; 208.04, Subdivisions 1 and 2; 210A.07; 210A.26, Subdivision 4; 210A.28; 210A.34, Subdivision 4; 290.06, Subdivision 11; 290.21, Subdivision 3; 365.51; 365.52; 375.20;

382.28; and 487.03, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapters 200, 201, 205, and 210A; proposing new law coded as Minnesota Statutes, Chapters 203B, 204B, 204C, and 204D; repealing Minnesota Statutes 1980, Sections 201.231; 201.26; 201.33; 202A.21 to 202A.721; and 210.22; and Chapters 203A, 204A, and 207.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Dieterich	Kronebusch	Peterson,C.C.	Spear
Belanger	Engler	Langseth	Peterson,D.L.	Stern
Benson	Frank	Lantry	Peterson,R.W.	Stokowski
Berg	Frederick	Lessard	Petty	Stumpf
Berglin	Frederickson	Lindgren	Purfeerst	Taylor
Bernhagen	Hanson	Luther	Ramstad	Tennessen
Bertram	Hughes	Menning	Renneke	Ulland
Brataas	Humphrey	Merriam	Rued	Vega
Chmielewski	Johnson	Moe, D. M.	Schmitz	Waldorf
Dahl	Keefe	Moe, R. D.	Setzepfandt	Wegener
Davies	Knoll	Nelson	Sieloff	Willet
Davis	Knutson	Pehler	Sikorski	
Dicklich	Kroening	Penny	Solon	

So the bill passed and its title was agreed to.

H. F. No. 341: A bill for an act relating to the city of Edina; providing for the purchasing and contracting authority of the city manager and council.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 2, as follows:

Those who voted in the affirmative were:

Bang	Dieterich	Kronebusch	Peterson,R.W.	Stokowski
Belanger	Engler	Langseth	Petty	Stumpf
Benson	Frank	Lantry	Purfeerst	Taylor
Berg	Frederick	Lessard	Ramstad	Tennessen
Berglin	Frederickson	Lindgren	Renneke	Ulland
Bernhagen	Hanson	Menning	Rued	Vega
Bertram	Hughes	Moe, D. M.	Schmitz	Waldorf
Brataas	Humphrey	Moe, R. D.	Setzepfandt	Wegener
Chmielewski	Johnson	Nelson	Sieloff	Willet
Dahl	Keefe	Pehler	Sikorski	
Davies	Knoll	Penny	Solon	
Davis	Knutson	Peterson,C.C.	Spear	
Dicklich	Kroening	Peterson,D.L.	Stern	

Messrs. Luther and Merriam voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 537: A bill for an act relating to highway traffic regulations; increasing the length of certain vehicles; establishing permit fees for certain oversize vehicles; directing the commissioner of transportation to conduct certain studies; clarifying the operation of certain combination vehicles; amending Minnesota Statutes 1980, Sections 169.81, Subdivision 3; 169.86,

Subdivision 5, and by adding a subdivision; and 169.861.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 7, as follows:

Those who voted in the affirmative were:

Bang	Frank	Langseth	Peterson,R.W.	Stern
Belanger	Frederick	Lantry	Petty	Stokowski
Benson	Frederickson	Lindgren	Pillsbury	Taylor
Berg	Hanson	Luther	Purfeerst	Ulland
Berglin	Hughes	Menning	Ramstad	Vega
Bernhagen	Humphrey	Merriam	Renneke	Waldorf
Bertram	Johnson	Moe, D. M.	Rued	Wegener
Brataas	Keefe	Moe, R. D.	Schmitz	Willet
Chmielewski	Knoll	Nelson	Setzepfandt	
Dahl	Knutson	Pehler	Sieloff	
Davis	Kroening	Penny	Sikorski	
Engler	Kronebusch	Peterson,D.L.	Solon	

Those who voted in the negative were:

Davies	Dieterich	Spear	Stumpf	Tennessen
Dicklich	Lessard			

So the bill passed and its title was agreed to.

S. F. No. 416: A bill for an act relating to labor and employment; status of certain tenured private college employees under compulsory retirement laws; amending Minnesota Statutes 1980, Section 181.811.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Dieterich	Kronebusch	Peterson, R.W.	Stern
Belanger	Engler	Lantry	Petty	Stokowski
Benson	Frank	Lessard	Pillsbury	Stumpf
Berg	Frederick	Lindgren	Purfeerst	Taylor
Berglin	Frederickson	Luther	Ramstad	Tennessen
Bernhagen	Hanson	Menning	Renneke	Ulland
Bertram	Hughes	Merriam	Rued	Vega
Brataas	Humphrey	Moe, D.M.	Schmitz	Waldorf
Chmielewski	Johnson	Moe, R.D.	Setzepfandt	Wegener
Dahl	Keefe	Nelson	Sieloff	Willet
Davies	Knoll	Pehler	Sikorski	
Davis	Knutson	Penny	Solon	
Dicklich	Kroening	Peterson, D.L.	Spear	

So the bill passed and its title was agreed to.

S. F. No. 354: A bill for an act relating to taxation; modifying estate tax provisions; clarifying certain deductions; updating references to internal revenue code; clarifying the method of computing credits; clarifying exemptions and exclusions; providing for a statute of limitations; eliminating obsolete references; providing disclosure of data to certain persons; clarifying recording procedures; amending Minnesota Statutes 1980, Sections 290.01, Subdivision

20; 291.005, Subdivision 1; 291.03, Subdivision 1; 291.05; 291.065; 291.07, Subdivision 1; 291.08; 291.09, Subdivision 3a; 291.31, Subdivision 1; 291.48; and 600.21.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Engler	Lantry	Peterson, R.W.	Stern
Belanger	Frank	Lessard	Petty	Stokowski
Benson	Frederick	Lindgren	Pillsbury	Stumpf
Berg	Frederickson	Luther	Purfeerst	Taylor
Berglin	Hanson	Menning	Ramstad	Tennessen
Bernhagen	Hughes	Merriam	Renneke	Ulland
Bertram	Humphrey	Moe, D.M.	Rued	Vega
Chmielewski	Johnson	Moe, R.D.	Schmitz	Waldorf
Dahl	Knoll	Nelson	Setzepfandt	Willet
Davies	Knutson	Pehler	Sieloff	
Davis	Kroening	Penny	Sikorski	
Dicklich	Kronebusch	Peterson, C.C.	Solon	
Dieterich	Langseth	Peterson, D.L.	Spear	

So the bill passed and its title was agreed to.

S. F. No. 279: A bill for an act relating to taxation; providing that certain emergency shelters are exempt from the property tax; amending Minnesota Statutes 1980, Section 272.02, Subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Engler	Langseth	Peterson, C.C.	Solon
Belanger	Frank	Lantry	Peterson, D.L.	Spear
Benson	Frederick	Lessard	Peterson, R.W.	Stern
Berg	Frederickson	Lindgren	Petty	Stokowski
Berglin	Hanson	Luther	Pillsbury	Stumpf
Bernhagen	Hughes	Menning	Purfeerst	Taylor
Bertram	Humphrey	Merriam	Ramstad	Tennessen
Brataas	Johnson	Moe, D.M.	Renneke	Ulland
Chmielewski	Keefe	Moe, R.D.	Rued	Vega
Dahl	Knoll	Nelson	Schmitz	Waldorf
Davies	Knutson	Nichols	Setzepfandt	Wegener
Davis	Kroening	Pehler	Sieloff	Willet
Dieterich	Kronebusch	Penny	Sikorski	

So the bill passed and its title was agreed to.

S. F. No. 218: A bill for an act relating to landlords and tenants; changing the time limit for landlords to furnish tenants with certain information; amending Minnesota Statutes 1980, Section 290A.19.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Dieterich	Kronebusch	Peterson,C.C.	Solon
Belanger	Engler	Langseth	Peterson,D.L.	Spear
Benson	Frank	Lantry	Peterson,R.W.	Stern
Berg	Frederick	Lessard	Petty	Stokowski
Berglin	Frederickson	Lindgren	Pillsbury	Stumpf
Bernhagen	Hanson	Luther	Purfeerst	Taylor
Bertram	Hughes	Menning	Ramstad	Tennessen
Brataas	Humphrey	Merriam	Renneke	Ulland
Chmielewski	Johnson	Moe, D. M.	Rued	Vega
Dahl	Keefe	Moe, R. D.	Schmitz	Waldorf
Davies	Knoll	Nelson	Setzepfandt	Wegener
Davis	Knutson	Pehler	Sieloff	Willet
Dicklich	Kroening	Penny	Sikorski	

So the bill passed and its title was agreed to.

S. F. No. 387: A bill for an act relating to agriculture; imposing certain requirements on milk houses for milk used for manufacturing; amending Minnesota Statutes 1980, Section 32.212.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 39 and nays 25, as follows:

Those who voted in the affirmative were:

Bang	Dicklich	Knoll	Peterson,D.L.	Sieloff
Berg	Dieterich	Knutson	Petty	Solon
Bernhagen	Engler	Langseth	Pillsbury	Spear
Bertram	Frank	Lantry	Ramstad	Stumpf
Brataas	Frederick	Lessard	Renneke	Taylor
Dahl	Frederickson	Lindgren	Rued	Ulland
Davies	Hughes	Merriam	Schmitz	Wegener
Davis	Keefe	Moe, D. M.	Setzepfandt	

Those who voted in the negative were:

Belanger	Humphrey	Menning	Penny	Stokowski
Benson	Johnson	Moe, R. D.	Peterson,R.W.	Tennessen
Berglin	Kroening	Nelson	Purfeerst	Vega
Chmielewski	Kronebusch	Nichols	Sikorski	Waldorf
Hanson	Luther	Pehler	Stern	Willet

So the bill passed and its title was agreed to.

H. F. No. 40: A bill for an act relating to state lands; authorizing the conveyance of certain lands in St. Louis County.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Brataas	Frank	Keefe	Lessard
Belanger	Dahl	Frederick	Knoll	Lindgren
Benson	Davies	Frederickson	Knutson	Luther
Berg	Davis	Hanson	Kroening	Menning
Berglin	Dicklich	Hughes	Kronebusch	Merriam
Bernhagen	Dieterich	Humphrey	Langseth	Moe, D. M.
Bertram	Engler	Johnson	Lantry	Moe, R. D.

Nelson	Pillsbury	Setzepfandt	Stumpf	Wegener
Pehler	Purfeerst	Sieloff	Taylor	Willet
Penny	Ramstad	Sikorski	Tennessen	
Peterson,D.L.	Renneke	Solon	Ulland	
Peterson,R.W.	Rued	Stern	Vega	
Petty	Schmitz	Stokowski	Waldorf	

So the bill passed and its title was agreed to.

CONSENT CALENDAR

H. F. No. 330: A bill for an act relating to Independent School District No. 625; providing for times of election and terms of office; amending Laws 1965, Chapter 705, Section 1, Subdivision 2, as amended.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Engler	Langseth	Peterson,D.L.	Spear
Belanger	Frank	Lantry	Peterson,R.W.	Stern
Benson	Frederick	Lessard	Petty	Stokowski
Berg	Frederickson	Lindgren	Pillsbury	Stumpf
Berglin	Hanson	Luther	Purfeerst	Taylor
Bernhagen	Hughes	Menning	Ramstad	Tennessen
Bertram	Humphrey	Merriam	Renneke	Ulland
Brataas	Johnson	Moe, D. M.	Rued	Vega
Chmielewski	Keefe	Moe, R. D.	Schmitz	Waldorf
Dahl	Knoll	Nelson	Setzepfandt	Wegener
Davies	Knutson	Nichols	Sieloff	Willet
Davis	Kroening	Pehler	Sikorski	
Dieterich	Kronebusch	Penny	Solon	

So the bill passed and its title was agreed to.

H. F. No. 470: A bill for an act relating to the department of public safety; changing the name of the highway patrol to the state patrol; amending Minnesota Statutes 1980, Section 299D.01, Subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 1, as follows:

Those who voted in the affirmative were:

Bang	Dieterich	Langseth	Peterson,D.L.	Solon
Belanger	Engler	Lantry	Peterson,R.W.	Spear
Benson	Frank	Lessard	Petty	Stern
Berg	Frederick	Lindgren	Pillsbury	Stokowski
Berglin	Frederickson	Luther	Purfeerst	Stumpf
Bernhagen	Hughes	Menning	Ramstad	Taylor
Bertram	Humphrey	Merriam	Renneke	Tennessen
Brataas	Johnson	Moe, D. M.	Rued	Ulland
Chmielewski	Keefe	Moe, R. D.	Schmitz	Vega
Dahl	Knutson	Nelson	Setzepfandt	Waldorf
Davis	Kroening	Pehler	Sieloff	Wegener
Dicklich	Kronebusch	Penny	Sikorski	Willet

Mr. Davies voted in the negative.

So the bill passed and its title was agreed to.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS - CONTINUED

CONFIRMATION

Mr. Merriam moved that the report from the Committee on Agriculture and Natural Resources, reported March 23, 1981, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Merriam moved that the foregoing report be now adopted. The motion prevailed.

Mr. Merriam moved that in accordance with the report from the Committee on Agriculture and Natural Resources, reported March 23, 1981, the Senate, having given its advice, do now consent to and confirm the appointments of:

WATER PLANNING BOARD

Donald H. Ogaard, RR #1, Ada, Norman County, effective August 13, 1980, for a term expiring June 30, 1982.

Paul E. Toren, 805 Park Avenue, Mahtomedi, Washington County, effective August 13, 1980, for a term expiring June 30, 1982.

MINNESOTA ENVIRONMENTAL QUALITY BOARD

Lauren Larsen, 109 E. Anoka Street, Duluth, St. Louis County, effective June 18, 1980, for a term expiring the first Monday in January, 1982.

Allan E. Mulligan, 1500 Northwestern Financial Center, 7900 Xerxes Avenue South, Minneapolis, Hennepin County, effective June 18, 1980, for a term expiring the first Monday in January, 1983.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Mr. Merriam moved that the report from the Committee on Agriculture and Natural Resources, reported March 26, 1981, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Merriam moved that the foregoing report be now adopted. The motion prevailed.

Mr. Merriam moved that in accordance with the report from the Committee on Agriculture and Natural Resources, reported March 26, 1981, the Senate, having given its advice, do now consent to and confirm the appointment of:

MINNESOTA ENVIRONMENTAL QUALITY BOARD

Dr. C. Edward Buchwald, Route 1, Northfield, Rice County, effective June 18, 1980, for a term expiring the first Monday in January, 1984.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Mr. Hughes moved that the report from the Committee on Education, reported March 26, 1981, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Hughes moved that the foregoing report be now adopted. The motion prevailed.

Mr. Hughes moved that in accordance with the report from the Committee on Education, reported March 26, 1981, the Senate, having given its advice, do now consent to and confirm the appointments of:

STATE UNIVERSITY BOARD

Dale A. Johnson, 695 Wildwood Place, Owatonna, Steele County, effective February 5, 1981, for a term expiring the first Monday in January, 1984.

Arnold C. Anderson, 1308 Ridgeview Drive, P.O. 512, Montevideo, Chippewa County, effective February 5, 1981, for a term expiring the first Monday in January, 1985.

Lee J. Krueger, 10044 Nicollet Avenue South, #106, Bloomington, Hennepin County, effective February 5, 1981, for a term expiring the first Monday in January, 1983.

John W. Borg, 5509 Columbus Avenue South, Minneapolis, Hennepin County, effective February 5, 1981, for a term expiring the first Monday in January, 1984.

Rodney N. Searle, R.R. #1, Box 44, Waseca, Waseca County, effective February 5, 1981, for a term expiring the first Monday in January, 1985.

Bernard A. Miller, R.R. #2, Box 264M, Bemidji, Beltrami County, effective February 5, 1981, for a term expiring the first Monday in January, 1982.

Elizabeth A. Pegues, 27 Nord Circle Road, North Oaks, Ramsey County, effective February 5, 1981, for a term expiring the first Monday in January, 1982.

The motion prevailed. So the appointments were confirmed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Mr. Sikorski introduced—

S.F. No. 1163: A bill for an act relating to health; requiring installation of telecommunication devices for the deaf in county sheriff's offices and public safety agencies; requiring the commissioner of health to make telecommunication devices available to county sheriff's offices; proposing new law coded in Minnesota Statutes, Chapter 145.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Spear and Tennessen introduced—

S.F. No. 1164: A bill for an act relating to crimes; providing for review of

sentences imposed prior to adoption of sentencing guidelines; amending Minnesota Statutes 1980, Section 244.08, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 244.

Referred to the Committee on Judiciary.

Mr. Dahl introduced—

S.F. No. 1165: A bill for an act relating to Ramsey county; modifying procedures for the publication of a board journal; amending Laws 1974, Chapter 435, Section 2.05, as amended.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Tennessen and Spear introduced—

S.F. No. 1166: A bill for an act relating to transportation; limiting construction on certain trunk highways; amending Minnesota Statutes 1980, Section 161.123.

Referred to the Committee on Transportation.

Messrs. Tennessen and Spear introduced—

S.F. No. 1167: A bill for an act relating to transportation; prohibiting the expenditure of funds on a certain interstate route; requiring application for the withdrawal of the route from the interstate system and transfer and substitution of its federal funding entitlements to certain eligible transportation projects.

Referred to the Committee on Transportation.

Messrs. Peterson, R. W.; Hughes; Dahl and Humphrey introduced—

S.F. No. 1168: A bill for an act relating to education; providing for removing pupils from class; establishing powers and duties of school personnel relative to students; amending Minnesota Statutes 1980, Sections 127.27, Subdivision 2, and by adding a subdivision; 127.28; proposing new law coded in Minnesota Statutes, Chapter 127.

Referred to the Committee on Education.

Messrs. Peterson, R.W. and Dieterich introduced—

S.F. No. 1169: A bill for an act relating to education; modifying the provisions governing teachers placed on unrequested leave of absence in experimental paired districts; providing for the combination of teachers into one unit in cooperating and paired districts; amending Minnesota Statutes 1980, Sections 122.85, Subdivision 4; and 179.63, Subdivision 17.

Referred to the Committee on Education.

Messrs. Peterson, R.W. and Davies introduced—

S.F. No. 1170: A bill for an act relating to tort claims against the state; clarifying existing law; amending Minnesota Statutes 1980, Sections 3.732,

Subdivisions 1, 2, and 3; 3.736, Subdivisions 1, 3, 4, 5, 7, 8, 9, and by adding subdivisions; 3.755; and 3.84.

Referred to the Committee on Judiciary.

Messrs. Petty, Stern, Mrs. Brataas, Messrs. Lindgren and Johnson introduced—

S.F. No. 1171: A bill for an act relating to financial institutions; allowing banks and trust companies to establish trust service offices at the location of other banks; proposing new law coded in Minnesota Statutes, Chapter 48.

Referred to the Committee on Commerce.

Messrs. Knutson, Benson and Lindgren introduced—

S.F. No. 1172: A bill for an act relating to state government; changing the name of the department of public welfare to the department of social services; amending Minnesota Statutes 1980, Section 245.03.

Referred to the Committee on Governmental Operations.

Mr. Olhoft introduced—

S.F. No. 1173: A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and building on the Fergus Falls state hospital campus of of a capital nature; authorizing issuance of state bonds; appropriating money.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Frederickson, Stern, Mrs. Brataas and Mr. Peterson, C.C. introduced—

S.F. No. 1174: A bill for an act relating to retirement; local police relief associations; authorizing the payment of benefits outside the United States in certain instances; proposing new law coded in Minnesota Statutes, Chapter 423; repealing Minnesota Statutes 1980, Section 423.811.

Referred to the Committee on Public Employees and Pensions.

Mr. Dieterich introduced—

S.F. No. 1175: A bill for an act relating to crimes; establishing a bill of rights for victims and witnesses of crimes; establishing certain participatory, informational, notification and referral rights for victims and witnesses; affirming the right of victims to bring actions against offenders; establishing the right of a victim to request restitution; providing for implementation of victim and witness rights by law; providing penal sanctions and judicial mechanisms to deter intimidation of witnesses; facilitating the expeditious return of stolen property by provision of judicial and administrative procedures; establishing county coordinating committees on victim and witness assistance to coordinate victim and witness assistance planning; providing for employer intercession, secure court waiting areas and witness fees; requiring criminal justice agencies to inform victims of the progress of criminal prosecutions and to inform victims of financial assistance and social services; providing for minimal vic-

tim participation in the criminal process; establishing a crime victims compensation and service fund for payment of compensation awards and victim and witness services; providing penalties; amending Minnesota Statutes 1980, Sections 241.26, Subdivisions 5 and 6; 243.23, Subdivision 3; 363.03, by adding a subdivision; 571.55, by adding a subdivision; 609.115, Subdivision 1; and 631.425, Subdivision 5; proposing new law coded as Minnesota Statutes, Chapter 611A; repealing Minnesota Statutes 1980, Sections 299C.07; 357.24; and 609.498.

Referred to the Committee on Judiciary.

Messrs. Spear; Peterson, C.C. and Nichols introduced—

S.F. No. 1176: A bill for an act relating to investment of retirement funds; clarifying the appointing authority of the investment advisory council; creating a state board of pension investment; prescribing its powers and duties; appropriating money; amending Minnesota Statutes 1980, Sections 11A.01; 11A.02, Subdivisions 2 and 4; 11A.04; 11A.08, Subdivision 1; 11A.13, Subdivision 1; 43.064; 179.74, Subdivision 4; proposing new law coded as Minnesota Statutes, Chapter 11B; repealing Minnesota Statutes 1980, Sections 11A.13, Subdivision 2; 11A.14; 11A.17 to 11A.19; 11A.23; and 11A.24.

Referred to the Committee on Public Employees and Pensions.

Messrs. Dieterich, Dahl, Hanson and Sieloff introduced—

S.F. No. 1177: A bill for an act relating to crimes; establishing minimum terms of imprisonment for certain burglary offenses; prescribing penalties; amending Minnesota Statutes 1980, Section 609.58, by adding a subdivision.

Referred to the Committee on Judiciary.

Messrs. Ulland, Belanger, Lindgren, Taylor and Berg introduced—

S.F. No. 1178: A bill for an act relating to taxation; real property; providing a reduced assessment ratio for industrial and commercial property; amending Minnesota Statutes 1980, Section 273.13, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Mr. Peterson, C.C. introduced—

S.F. No. 1179: A bill for an act relating to state government; providing for the appropriation of funds equal to the value of transferred assets when certain assets are transferred among state agencies; directing the state auditor to determine certain adjustments to foundation aid payments; transferring to the commissioner of finance certain duties of the state auditor related to Minnesota aeronautics bonds; providing for the state auditor to approve bonds for officers and employees of regional development commissions; providing for audits of housing and redevelopment authorities under certain conditions; transferring duties of the state auditor to the commissioner of finance related to state taxes on the sale of certain obligations; appropriating money; amending Minnesota Statutes 1980, Sections 16.73; 124.212, Subdivision 20; 360.302; 462.389, Subdivisions 2 and 4; and 475.73, Subdivision 2.

Referred to the Committee on Governmental Operations.

Mr. Nelson introduced—

S.F. No. 1180: A bill for an act relating to public employment labor relations; modifying the definition of public employee; amending Minnesota Statutes 1980, Section 179.63, Subdivision 7.

Referred to the Committee on Public Employees and Pensions.

Mr. Merriam introduced—

S.F. No. 1181: A bill for an act relating to education; revising the formula for use by school districts in computing state aid and levy for operating a community education program; amending Minnesota Statutes 1980, Sections 124.271, by adding a subdivision; and 275.125, Subdivision 8.

Referred to the Committee on Education.

Mr. Merriam introduced—

S.F. No. 1182: A bill for an act relating to education; requiring the state board of education to adopt standards for area vocational-technical institutes to account for fixed assets; requiring all area vocational-technical institutes to implement a system to account for fixed assets; making certain changes to comply with uniform financial accounting and reporting system requirements; amending Minnesota Statutes 1980, Sections 121.902, by adding a subdivision; 121.931, Subdivision 6; 121.934, Subdivision 7; 121.935, Subdivisions 2 and 6; 121.936, Subdivisions 2 and 3, and by adding a subdivision; 121.937, Subdivision 1; 121.938, Subdivision 2; 124.5624, Subdivision 6.

Referred to the Committee on Education.

Mr. Schmitz introduced—

S.F. No. 1183: A bill for an act relating to retirement; basing the annuities of retired judges upon the current salaries for active judges; amending Minnesota Statutes 1980, Section 490.102, Subdivision 2.

Referred to the Committee on Public Employees and Pensions.

Messrs. Johnson, Dicklich, Lessard and Rued introduced—

S.F. No. 1184: A bill for an act relating to taxation; providing for the distribution and division of the proceeds of the taconite production tax; appropriating money; providing for certain tax credits; amending Minnesota Statutes 1980, Sections 298.225; 298.24, Subdivision 3; 298.28, Subdivisions 1 and 2; repealing Minnesota Statutes 1980, Section 273.135, Subdivision 4.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Bang, Purfeerst, Chmielewski, Vega and Belanger introduced—

S.F. No. 1185: A bill for an act relating to highway traffic regulations; establishing a 65 mile per hour maximum speed on interstate highways; amending Minnesota Statutes 1980, Section 169.141, by adding a subdivision.

Referred to the Committee on Transportation.

Mrs. Brataas and Mr. Frederick introduced—

S.F. No. 1186: A bill for an act relating to the city of Rochester; permitting the imposition of certain taxes within the city; permitting the issuance of certain bonds by the city.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Luther, Merriam, Wegener, Engler and Chmielewski introduced—

S.F. No. 1187: A bill for an act relating to game and fish; increasing and making permanent a surcharge on small game licenses for wildlife land acquisition; amending Minnesota Statutes 1980, Section 97.482, Subdivision 1; repealing Laws 1961, Chapter 66, Section 1, as amended.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Moe, D.M.; Knoll and Ms. Berglin introduced—

S.F. No. 1188: A bill for an act relating to human rights; clarifying the meaning of reprisal; requiring an annual report to the legislature; permitting the filing of a charge of unfair discriminatory practice directly in district court; granting certain powers to the commissioner of human rights and eliminating the requirement that the commissioner provide a bond; increasing an award of punitive damages; permitting the recovery for certain damages; awarding attorneys' fees in certain cases; amending Minnesota Statutes 1980, Sections 363.03, Subdivision 7; 363.05, Subdivision 1; 363.06, Subdivisions 1, 3, and 4; 363.071, Subdivision 2; 363.14, Subdivisions 1 and 3; proposing new law coded in Minnesota Statutes, Chapter 363; repealing Minnesota Statutes 1980, Section 363.04, Subdivision 3.

Referred to the Committee on Judiciary.

Mr. Merriam introduced—

S.F. No. 1189: A bill for an act relating to education; authorizing transportation for certain handicapped pupils from home to hospitals or treatment centers when instructional programs are provided; amending Minnesota Statutes 1980, Sections 123.39, by adding a subdivision; and 124.223.

Referred to the Committee on Education.

Messrs. Ashbach, Frederickson, Bang, Engler and Lindgren introduced—

S.F. No. 1190: A bill for an act relating to retirement; transferring jurisdiction over investment of funds of the public employees retirement association from the state board of investment to the public employees retirement association board of trustees; amending Minnesota Statutes 1980, Sections 11A.14, Subdivision 5; 11A.23, Subdivision 4; 353.05; and 353.06; proposing new law coded in Minnesota Statutes, Chapter 353; repealing Minnesota Statutes 1980, Section 353.271.

Referred to the Committee on Public Employees and Pensions.

Messrs. Ashbach, Knutson, Lindgren, Solon and Spear introduced—

S.F. No. 1191: A bill for an act relating to taxation; income; providing a

credit for home care of the elderly; amending Minnesota Statutes 1980, Section 290.06, by adding a subdivision.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Frederick, Dicklich, Pehler, Ramstad and Taylor introduced—

S.F. No. 1192: A bill for an act relating to workers' compensation; requiring evidence of insurance before issuing certain permits and licenses; increasing the penalty for failure to provide insurance coverage; amending Minnesota Statutes 1980, Section 176.181, Subdivision 3; proposing new law coded in Minnesota Statutes, Chapter 176.

Referred to the Committee on Employment.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Monday, April 6, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRTIETH DAY

St. Paul, Minnesota, Monday, April 6, 1981

The Senate met at 11:00 a.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. John E. Melchert.

The roll was called, and the following Senators answered to their names:

Bang	Dieterich	Kronebusch	Penny	Sikorski
Belanger	Engler	Langseth	Peterson, C.C.	Solon
Benson	Frank	Lantry	Peterson, D.L.	Spear
Berg	Frederick	Lessard	Peterson, R.W.	Stern
Berglin	Frederickson	Lindgren	Petty	Stokowski
Bernhagen	Hanson	Luther	Pillsbury	Stumpf
Bertram	Hughes	Menning	Purfeerst	Taylor
Brataas	Humphrey	Merriam	Ramstad	Tennessen
Chmielewski	Johnson	Moe, D.M.	Renneke	Ulland
Dahl	Keefe	Moe, R.D.	Rued	Vega
Davies	Knoll	Nelson	Schmitz	Waldorf
Davis	Knutson	Olhoft	Setzepfandt	Willet
Dicklich	Kroening	Pehler	Sieloff	

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

Mr. Wegener was excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

April 1, 1981

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

The Honorable Jack Davies
President of the Senate

I have the honor to inform you that the following enrolled Act of the 1981 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1981	Date Filed 1981
7		15	April 1	April 1

Sincerely,

Joan Anderson Growe
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S. F. Nos. 171 and 345.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 2, 1981

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. 153: A bill for an act relating to local government; granting towns certain powers over town cemeteries; regulating town cemeteries; amending Minnesota Statutes 1980, Sections 365.26; and 365.27.

Senate File No. 153 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 2, 1981

CONCURRENCE AND REPASSAGE

Mr. Rued moved that the Senate concur in the amendments by the House to S. F. No. 153 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 153: A bill for an act relating to cemeteries: granting towns certain powers over town cemeteries; regulating town cemeteries; providing that no occupant of cemetery land shall acquire any title to the land by reason of occupancy; amending Minnesota Statutes 1980, Sections 365.26; 365.27; and 541.01.

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 51 and nays 1, as follows:

Those who voted in the affirmative were:

Belanger	Chmielewski	Dieterich	Frederickson	Johnson
Benson	Dahl	Engler	Hanson	Keefe
Berglin	Davies	Frank	Hughes	Knutson
Bertram	Davis	Frederick	Humphrey	Kroening

Kronebusch	Moe, R.D.	Petty	Sikorski	Vega
Langseth	Nelson	Pillsbury	Spear	Waldorf
Lantry	Olhoft	Purfeerst	Stern	Willet
Lindgren	Pehler	Ramstad	Stokowski	
Luther	Penny	Renneke	Stumpf	
Menning	Peterson, C.C.	Rued	Taylor	
Moe, D.M.	Peterson, D.L.	Schmitz	Ulland	

Mr. Merriam voted in the negative.

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. 209: A bill for an act relating to gambling devices; clarifying definitions of gambling devices; authorizing an additional gambling device; authorizing certain payments for operation of gambling devices; changing prize limitations; changing the penalty provision for violation; amending Minnesota Statutes 1980, Sections 349.26, Subdivisions 2, 4, 5, 12, 13, 14 and 15, and by adding a subdivision; 349.30, Subdivision 2; and 349.31, Subdivision 1.

Senate File No. 209 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 2, 1981

Mr. Nelson moved that S. F. No. 209 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. 222, 339, 487 and 574.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 2, 1981

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H. F. No. 222: A bill for an act relating to families; designating an American family day; proposing new law coded in Minnesota Statutes, Chapter 517.

Referred to the Committee on General Legislation and Administrative Rules.

H. F. No. 339: A bill for an act relating to towns; providing for the opening of cartways under certain circumstances; providing a method for determining whether to open or maintain certain town roads; amending Minnesota Statutes 1980, Sections 164.08, Subdivision 2; and 365.10.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 323, now on General Orders.

H. F. No. 487: A bill for an act relating to the capitol area architectural and planning board; providing for disposition of tax-forfeited property within the capitol area; amending Minnesota Statutes 1980, Section 15.50, Subdivision 6.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 229, now on General Orders.

H. F. No. 574: A bill for an act relating to intoxicating liquor; authorizing the issuance of one off-sale license in the town of Tofte.

Referred to the Committee on Commerce.

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. Humphrey from the Committee on Energy and Housing, to which was referred

S. F. No. 523: A bill for an act relating to the city of St. Paul; relating to a proposed joint housing finance program by the cities of St. Paul and Minneapolis.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [ST. PAUL, CITY OF; MINNEAPOLIS, CITY OF; JOINT FAMILY HOUSING PROGRAM.]

Subdivision 1. The cities of St. Paul and Minneapolis may issue, jointly or separately, housing revenue bonds pursuant to Minnesota Statutes, Chapter 462C, to finance the joint housing program specifically exempted from the provisions of sections 1102 and 1103 of the Mortgage Subsidy Bond Tax Act of 1980. The bond issues, in an aggregate amount not to exceed $235,000,000, shall not be included in the computation made pursuant to Minnesota Statutes, Section 462C.07, Subdivision 2, of the aggregate principal amount of revenue bonds or other obligations issued by the cities of St. Paul and Minneapolis.

Subd. 2. No more than 20 percent of the aggregate amount of all loans for single and multifamily housing provided in each city, pursuant to the program described in section 1, shall be made without regard to the income limits established in Minnesota Statutes, Section 462C.03, Subdivision 2.

Sec. 2. [EFFECTIVE DATE.]

This act shall become effective as to each city the day after compliance by the governing body of each city with the provisions of Minnesota Statutes, Section 645.021, Subdivision 3."

Amend the title as follows:

Page 1, delete lines 2 to 4 and insert "relating to the cities of St. Paul and

Minneapolis; exempting a certain joint housing bonding program from the provisions of Minnesota Statutes, Section 462C.07, Subdivision 2."

And when so amended the bill do pass and be re-referred to the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Humphrey from the Committee on Energy and Housing, to which was referred

S. F. No. 763: A bill for an act relating to the cities of Minneapolis and St. Paul; authorizing the implementation of energy conservation programs; authorizing the financing of residential energy conservation programs; authorizing the issuance of qualified mortgage bonds.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 12, after "*that*" insert "*implementing*"

Page 1, line 13, after "*conservation*" insert "*measures*"

Page 1, line 15, delete "*this*" and insert "*energy conservation*"

Page 2, line 3, delete "*such*" and insert "*the*"

Page 2, line 12, delete "*utilization*" and insert "*use*"

Page 2, line 17, delete "*utilization*" and insert "*use*"

Page 2, line 18, delete "*such*" and insert "*a*"

Page 3, line 7, delete "*this act*" and insert "*sections 1 to 5*"

Page 3, line 11, delete "*this act*" and insert "*sections 1 to 5*"

Page 3, line 19, delete "*this*" and insert "*sections 1 to 5*"

Page 3, line 20, delete "*act*"

Page 3, line 23, delete "*Chapter*" and insert "*Chapters 462C or*"

Page 4, line 7, delete "*equal to the*" and insert "*not to exceed $16,000,000.*"

Page 4, delete lines 8 to 13

Page 4, line 14, delete "*preceding three years.*"

Page 4, after line 15, insert:

"*Nothing contained within this subdivision shall authorize the issuance of qualified mortgage bonds for a program which would otherwise be subject to Minnesota Statutes, Chapter 462C, without compliance with chapter 462C.*"

Page 4, line 21, delete "*equal to the*" and insert "*not to exceed $8,500,000.*"

Page 4, delete lines 22 to 27

Page 4, after line 29, insert:

"*Nothing contained within this subdivision shall authorize the issuance of qualified mortgage bonds for a program which would otherwise be subject to Minnesota Statutes, Chapter 462C, without compliance with chapter 462C.*

Sec. 7. [REPORT.]

By January 1, 1982, the cities of St. Paul and Minneapolis shall report to the appropriate committees of the legislature on the implementation of the program created in sections 1 to 5. The report shall include but is not limited to information on the amount of bonds issued and the number and types of dwelling units served, whether single family, multifamily of four units or less, or multifamily of more than four units."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, before the period, insert "; requiring a report to the legislature"

And when so amended the bill do pass and be re-referred to the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Humphrey from the Committee on Energy and Housing, to which was referred

S. F. No. 808: A bill for an act relating to the city of Duluth; authorizing the establishment of a home energy conservation program as part of its municipal utility system and the issuance of municipal revenue bonds or notes for that purpose.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 15, delete "*reasonable*" and insert "*10 year*"

Page 2, line 21, delete "*real estate rental business*" and insert "*trade or business of rental real estate*"

Page 2, line 22, delete "*generally*"

Page 2, line 27, delete "[CONTRACTS.]"

Page 2, line 27, delete "*or homeowner, subject*"

Page 2, line 28, delete "*to the approval of the city,*"

Page 2, line 29, after "*contractors*" insert ", *subject to the requirements of section 471.345,*"

Page 2, after line 34, insert:

"*Subd. 2. A homeowner, subject to the approval of the city, may negotiate and contract with building trade unions, union members, or contractors to perform work or furnish materials or both, for one or more projects, in accordance with schedules coordinated and approved by the city.*

Subd. 3. The city may contract with a homeowner for labor or materials, or both, provided that in such cases the city may inspect the work performed and shall not pay the homeowner for his labor."

Page 2, line 35, delete "2. [CITY MATERIALS.]" and insert "*4.*"

Page 3, line 11, delete "*; as to which loan the homeowner and the financial*"

Page 3, delete lines 12 to 17 and insert a period

Page 3, line 23, after "*furnished*" insert "*by the city*"

Page 3, line 29, after "*for*" insert "*municipal*"

Page 4, line 19, after "*use*" insert "*municipal*"

Page 4, line 21, before "*utility*" insert "*municipal*"

Page 8, line 4, delete "*not less than an amount which bears the*" and insert "*$3,000,000.*"

Page 8, delete lines 5 to 9

Page 8, after line 14, insert:

"Sec. 8. [REPORT.]

By January 1, 1982, the city of Duluth shall report to the appropriate committees of the legislature on the implementation of the program created in sections 1 to 7. The report shall include but is not limited to information on the amount of bonds issued, average size of loans, types of energy conservation measures financed, number of households served, and an analysis of the effectiveness of the program."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, before the period, insert "; requiring a report to the legislature"

And when so amended the bill do pass and be re-referred to the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Humphrey from the Committee on Energy and Housing, to which was referred

S. F. No. 903: A bill for an act relating to the city of Minneapolis; providing for amendment of certain special revenue obligations; amending Laws 1975, Chapter 188, Section 3, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 21, delete "*the day after*" and insert "*upon*"

And when so amended the bill do pass and be re-referred to the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 382: A bill for an act relating to recycling of solid waste; authorizing counties to license redemption centers; requiring payment of a refund on nonrefillable beverage containers; imposing duties on the commissioner of revenue and county auditors; imposing penalties; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 116F.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [116F.23] [DEFINITIONS.]

Subdivision 1. [SCOPE.] *For the purposes of sections 1 to 5, the terms defined in this section have the meanings given them.*

Subd. 2. [AGENCY.] *"Agency" means the pollution control agency.*

Subd. 3. [BEER.] *"Beer" means beer, ale or other malt drink containing one-half of one percent or more of alcohol by volume.*

Subd. 4. [BEVERAGE CONTAINER.] *"Beverage container" means an individual, hermetically sealed bottle, can, jar or carton which is composed of at least 50 percent glass, metal or plastic by weight and which is used for the purpose of containing beer, soft drinks or other beverages in liquid form intended for human consumption.*

Subd. 5. [DISTRIBUTION.] *"Distribution" means the sale of filled beverage containers to retail dealers in this state.*

Subd. 6. [IMPORTER.] *"Importer" means a person that transports into this state any beverage containers filled outside of this state for distribution and retail sale in this state.*

Subd. 7. [OTHER BEVERAGES.] *"Other beverages" means noncarbonated drinks including spring water, fruit or vegetable juices, fruit or vegetable drinks, chocolate drinks, and other similar drinks whether naturally or artificially flavored. "Other beverages" does not include any concentrates, syrup or flavoring.*

Subd. 8. [MANUFACTURER.] *"Manufacturer" means a person that fills beverage containers in this state with beer, milk, soft drinks or other beverages for distribution and sale in this state.*

Subd. 9. [REUSE.] *"Reuse" means the refilling of empty beverage containers for distribution and retail sale or the recovery of the materials from which the containers are made for any productive purpose including energy production.*

Subd. 10. [SOFT DRINKS.] *"Soft drinks" means soda waters, mineral waters and any other carbonated non-alcoholic beverages.*

Sec. 2. [116F.24] [RETURN REQUIREMENTS.]

Subdivision 1. [LIABILITY OF PRODUCERS AND IMPORTERS.] *After January 1, 1982, any manufacturer or importer that sells any filled beverage container which is sold by a retail dealer in this state is liable for the penalties prescribed under section 4 if the agency finds that containers sold by retail dealers in this state were not returned for reuse to the manufacturer, importer or its agent when empty as provided in subdivisions 2 to 4.*

For the purposes of this section:

(a) The number of beverage containers which must be returned shall be based on the number of beverage containers sold by the manufacturer or importer which were sold by retail dealers in this state; and

(b) The beverage containers actually returned to a manufacturer, importer or its agent may be any empty beverage containers which were returned to a manufacturer, importer or its agent in this state by a consumer or by any

person engaged in waste collection as defined in section 115A.03, subdivision 5.

Subd. 2. [SOFT DRINKS.] *The number of beverage containers which must be returned for reuse when empty to a manufacturer or importer of soft drinks or its agent shall be:*

(a) For calendar year 1982, at least 65 percent of the number of containers sold by the manufacturer or importer which are sold by retail dealers in this state during the year.

(b) For calendar year 1983, at least 75 percent of the number of containers sold by the manufacturer or importer which are sold by retail dealers in this state during the year.

(c) For calendar year 1984, and in following years, at least 85 percent of the number of containers sold by the manufacturer or importer which are sold by retail dealers in this state during the year.

Subd. 3. [BEER.] *The number of beverage containers which must be returned for reuse when empty to a manufacturer or importer of beer or its agent shall be:*

(a) For calendar year 1982, at least 65 percent of the number of containers sold by the manufacturer or importer which are sold by retail dealers in this state during the year.

(b) For calendar year 1983, at least 75 percent of the number of containers sold by the manufacturer or importer which are sold by retail dealers in this state during the year.

(c) For calendar year 1984, and in following years, at least 85 percent of the number of containers sold by the manufacturer or importer which are sold by retail dealers in this state during the year.

Subd. 4. [OTHER BEVERAGES.] *The number of beverage containers which must be returned for reuse when empty to a manufacturer or importer of other beverages, or its agent shall be:*

(a) For calendar year 1982, at least 25 percent of the number of containers sold by the manufacturer or importer which are sold by retail dealers in this state during the year.

(b) For calendar year 1983, at least 50 percent of the number of containers sold by the manufacturer or importer which are sold by retail dealers in this state during the year.

(c) For calendar year 1984, and in following years, at least 75 percent of the number of containers sold by the manufacturer or importer which are sold by retail dealers in this state during the year.

Sec. 3. [116F.25] [PROCEDURE; AGENCY FINDINGS.]

The agency shall initiate a single consolidated proceeding in 1983, 1984 and 1985 in the manner provided for a contested case under chapter 15 to make findings pursuant to this section for beverage containers sold by manufacturers and importers which are sold by retail dealers in the state during the preceding calendar year. The agency shall initiate the proceeding by July 1 of each year and shall complete the proceeding and issue its findings by December 31 of that

year.

The burden shall be on the manufacturer or importer to demonstrate its compliance with the requirements of section 2. The number of beverage containers returned may be demonstrated by count, by weight or by other means determined reasonable by the agency. A manufacturer or importer shall cooperate with the agency to provide the information necessary to make the findings required by this section.

When the number of returned beverage containers is demonstrated by evidence of the return of some quantity of material from which the containers were made, the agency shall determine the proportion of the material which is attributable to the beverage containers. The proportion may be determined by means of a representative sampling of the proportion of beverage containers and other types of waste composed of that material which are returned in this state in the same manner in which the material in question was returned to the manufacturer, importer or its agent.

After the proceeding in 1985, the agency shall hold further consolidated proceedings at least once every two years as the agency deems necessary to implement sections 1 to 5.

Sec. 4. [116F.26] [FINES; ENFORCEMENT.]

Subdivision 1. [FAILURE TO MEET RETURN REQUIREMENTS.] *When the agency issues a finding under section 3 that any manufacturer or importer has failed to comply with the requirements of section 2, subdivision 2, the manufacturer or importer shall pay to the agency a civil fine based upon the total price charged by the manufacturer or importer for filled beverage containers sold by the manufacturer or importer which were sold by retail dealers in the state during the preceding calendar year. The fine shall be one percent of the manufacturer's or importer's price for each one percent or fraction thereof by which the percentage of containers returned for reuse as determined by the agency is less than the required percentage of containers provided in section 2, subdivision 2.*

Subd. 2. [ENFORCEMENT.] *The attorney general shall bring any action necessary to recover any fine imposed under this section.*

Sec. 5. [116F.27] [LOCAL RESOURCE RECOVERY PROGRAMS.]

Any county or home rule charter or statutory city may assist in the implementation of the purposes of sections 1 to 5 by establishing programs to encourage development of comprehensive resource recovery systems as defined in section 116F.02, subdivision 6.

Sec. 6. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Amend the title as follows:

Page 1, line 2, delete "authorizing"

Page 1, delete lines 3 to 6

Page 1, line 7, delete "appropriating money" and insert

"setting requirements on the percentage of beverage containers which must

be returned for reuse; imposing fines on sale of beverage containers which have not met percentage requirements; permitting counties and cities to establish resource recovery programs; imposing duties on the pollution control agency and the attorney general; imposing civil penalties''

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Stumpf from the Committee on Elections and Reapportionment, to which was referred

S. F. No. 791: A bill for an act relating to elections; changing eligibility requirements and compensation for election judges; authorizing time off from work for election judges; amending Minnesota Statutes 1980, Sections 204A.18; and 204A.23.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 1, strike ''in home rule''

Page 3, strike lines 2 to 5

Page 3, line 6, strike ''town board.'' and insert ''*shall be set as follows: by the governing body in home rule charter and statutory cities, by the county board in unorganized territory, and by the town board in towns; provided that in all cases*''

Page 3, line 15, delete ''*no less than that*''

Page 3, strike line 16

Page 3, line 17, strike ''subdivision 1'' and insert ''*to be set by the governing body that sets the compensation of the election judge*''

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Stumpf from the Committee on Elections and Reapportionment, to which was referred

S. F. No. 820: A bill for an act relating to elections; changing certain election procedures, requirements and time limits; amending Minnesota Statutes 1980, Sections 201.071, Subdivision 1; 202A.26, Subdivision 1; 203A.22, Subdivision 4; 203A.31, Subdivisions 1 and 3; 203A.32; 204A.04, Subdivision 1; 204A.13, Subdivision 1; 204A.17, Subdivision 1; 204A.18, Subdivision 2; 204A.53, Subdivision 2; 204A.54, Subdivision 1; 205.03, Subdivisions 1 and 3; 207.03, Subdivision 1; 207.04, Subdivision 1; 207.20, Subdivision 1; 207.22; and 209.02, Subdivision 4; repealing Minnesota Statutes 1980, Sections 201.091, Subdivision 5; 202A.54; and 206.18.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 2, reinstate ''Date of birth'' and reinstate the dotted line

Page 2, delete line 3

Page 5, line 27, strike ''An individual''

Page 5, line 28, strike the old language and delete ''*any*''

Page 5, line 31, delete the new language and insert "*If the files of the appointing authority do not contain sufficient voters within a precinct who are qualified and willing to serve as election judges, election judges may be appointed who reside in another precinct in the same municipality. If there are not sufficient voters within the municipality who are qualified and willing to serve as election judges, election judges may be appointed who reside in the county where the precinct is located*"

Pages 5 and 6, delete section 10

Page 10, delete section 18

Page 11, line 7, after the semicolon insert "*and*"

Page 11, line 8, delete "*and 206.18;*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, delete "204A.18, Subdivision 2;"

Page 1, line 11, delete "207.22;"

Page 1, line 13, after "Subdivision 5;" insert "and"

Page 1, line 13, after "202A.54" delete "; and"

Page 1, line 14, delete "206.18"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Employment, to which was referred

S. F. No. 377: A bill for an act relating to economic development; appropriating money to permit the small business finance agency to participate in business loans; amending Minnesota Statutes 1980, Section 362.53, Subdivision 12.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Chmielewski from the Committee on Employment, to which was referred

S. F. No. 1101: A bill for an act relating to economic development; providing for changes in the small business finance agency law to better provide assistance for small business; making technical changes; amending Minnesota Statutes 1980, Sections 362.50, Subdivisions 4, 5, 9 and 10; 362.52, Subdivisions 2 and 4; 362.53, Subdivisions 11, 12, 15 and 17; repealing Minnesota Statutes 1980, Section 362.50, Subdivisions 6 and 7.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 10, strike "20" and insert "*25*"

Page 2, line 11, strike "$1,000,000" and insert "*$1,500,000*"

Page 2, line 18, delete "*20*" and insert "*25*"

Page 2, line 18, delete "*$1,000,000*" and insert "*$1,500,000*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Public Employees and Pensions, to which was referred

S. F. No. 333: A bill for an act relating to public employees; regulating bargaining between instructional unit employees and the University of Minnesota; amending Minnesota Statutes 1980, Section 179.741, Subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, line 3, before the period, insert ", *or may negotiate separate contracts with the regents*"

Page 4, line 3, after the period, insert "*If the exclusive bargaining representatives jointly negotiate a contract with the regents, the contract shall be ratified by each unit.*"

Page 4, after line 3, insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Public Employees and Pensions, to which was referred

S. F. No. 650: A bill for an act relating to education; providing for the inclusion of certain community college and state university faculty members in the definition of an employee under the public employee labor relations act of 1971; amending Minnesota Statutes 1980, Section 179.63, Subdivision 7.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 24, insert:

"*(g) employees providing services for not more than two consecutive quarters to the state university board or the community college board under the terms of a professional/technical services contract as defined in section 16.098;*"

Page 2, line 1, before "to" insert ", *except at the university established in section 136.017,*"

Page 2, line 8, before "for" insert ", *except at the university established in section 136.017,*"

Amend the title as follows:

Page 1, line 5, delete "employee" and insert "employment"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Public Employees and Pensions, to which

was referred

S. F. No. 708: A bill for an act relating to public employees; excluding the executive secretaries of certain state boards from bargaining units; amending Minnesota Statutes 1980, Section 179.74, Subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, lines 1 to 4, delete the new language and insert " *the executive secretary of any board in section 214.01, subdivisions 2 and 3, who serves in the unclassified service, and the executive secretary of the board created pursuant to section 114A.04,*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Public Employees and Pensions, to which was referred

S. F. No. 817: A bill for an act relating to retirement; the Minneapolis employees retirement fund; establishing a new retirement benefit fund therein; transferring assets from the Minnesota post-retirement investment fund; amending Minnesota Statutes 1980, Section 422A.06, Subdivisions 1, 3, 4, 5, and by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 9, insert:

"Section 1. Minnesota Statutes 1980, Section 11A.08, Subdivision 1, is amended to read:

Subdivision 1. [MEMBERSHIP.] There is created an investment advisory council consisting of ten members who are experienced in general investment matters and who shall be appointed by the state board, the commissioner of finance and the executive directors of each of the following: the Minnesota state retirement system, the public employees retirement association, the teachers retirement association ~~and the Minneapolis municipal employees retirement fund~~ , *and a retiree currently receiving benefits from the post retirement investment fund who shall be appointed by the governor for a four year term.*

Sec. 2. Minnesota Statutes 1980, Section 422A.05, Subdivision 2c, is amended to read:

Subd. 2c. The board may invest funds in *investments authorized by section 11A.24.* ~~corporate stocks or corporate obligations of any corporation organized under the laws of the United States or of any state of the United States or the Dominion of Canada or any province thereof and other corporations traded on the New York or American Stock Exchanges if they conform to the following provisions:~~

~~(a) On corporate stocks:~~

~~(1) The market value of these investments shall not exceed 50 percent of the market value of the funds.~~

~~(2) Investments in any one corporation shall not exceed five percent of the~~

~~market value of the funds or five percent of the total shares outstanding of any one corporation.~~

~~(3) Cash dividends on these investments shall have been earned and paid for the preceding five years.~~

~~(4) Investments which do not conform to the dividend standard contained in clause (3) may be held, but the total amount of these securities shall not exceed five percent of the total market value of the funds.~~

~~(b) On corporate obligations:~~

~~(1) The consolidated net pretax earnings of corporations other than finance corporations shall have been an average for the preceding five years at least 1.5 times the annual interest charge on total funded debt applicable to that period.~~

~~(2) The consolidated net pretax earnings of banks and finance corporations shall have been an average for the preceding five years at least 1.2 times the annual interest charges on total funded debt applicable to that period.~~

~~(3) Obligations shall be rated among the top three quality categories by a nationally recognized rating agency; or if unrated, the corporation shall have other comparably secured issues similarly rated; or the consolidated net pretax earnings of the corporation shall have been an average for the preceding five years at least twice the ratios required in clauses (a) and (b).~~"

Pages 4 to 6, delete sections 5 and 6 and insert:

"Sec. 7. Minnesota Statutes 1980, Section 422A.06, is amended by adding a subdivision to read:

Subd. 8. [RETIREMENT BENEFIT FUND.] *The retirement benefit fund shall consist of amounts held for payment of retirement allowances for members retired pursuant to sections 422A.01 to 422A.25. For members retiring after the established date for the transfer of assets and liabilities specified in section 6, assets equal to the required reserves pursuant to law shall be transferred from the deposit accumulation fund to the retirement benefit fund. All income from investments of these assets shall be allocated to this fund. There shall be paid from this fund all the retirement annuities authorized by law. The retirement benefit fund shall be governed by the applicable laws governing the accounting and audit procedures, investment, actuarial requirements, calculation and payment of post-retirement benefit adjustments, discharge of any deficiency in the assets of the fund when compared to the actuarially determined required reserves, and other applicable operations and procedures regarding the Minnesota post-retirement investment fund established pursuant to section 11A.18, and any legal or administrative interpretations of those laws of the state board of investment, the legal advisor to the board of investment and the executive director of the state board of investment. The retirement board shall also establish a deferred yield adjustment account within this fund.*

Sec. 8. [TEMPORARY PROVISION: TRANSFER OF CERTAIN ASSETS AND LIABILITIES.]

The state board of investment shall transfer the assets and obligations in the Minnesota post-retirement investment fund attributable to the retired members of the Minneapolis employees retirement fund to the retirement benefit fund

established pursuant to section 7.

Notwithstanding any law to the contrary, the transfer of assets and obligations shall be based on the proportional share of required reserves of the Minnesota post-retirement investment fund attributable by Minneapolis retirement fund retired members as determined by the actuary for the legislative commission on pensions and retirement as of the established date for the transfer of assets and liabilities. The proportional share of required reserves attributable to retired members of the Minneapolis employees retirement fund shall determine the proportional share of the assets of the Minnesota post-retirement investment fund to be transferred based on market value.

As of the established date for the transfer of assets and liabilities, the liability for the payment of all annuities to annuitants of the Minneapolis employees retirement fund previously payable from the Minnesota post-retirement investment fund shall be transferred to the retirement benefit fund of the Minneapolis employees retirement fund and shall no longer be the liability of the Minnesota post-retirement investment fund.

At the close of the business day as of the established date for the transfer of assets and liabilities there shall be transferred to the Minneapolis retirement fund board title to assets equal to not less than 90 percent of the total market value of the estimated Minneapolis employees retirement fund participation in the Minnesota post-retirement investment fund. All market valuations shall be determined by a nationally recognized firm known to perform such evaluations which is mutually agreed upon by the state board of investment and Minneapolis retirement fund board. The transfer shall be in securities which are mutually agreeable to both parties and in cash, and shall be representative of the portfolio composition on the established date for the transfer of assets and liabilities. The remainder of the transfer shall be in cash with interest at the average rate earned in the Minnesota post-retirement investment fund short term portfolio from the established date for the transfer of assets and liabilities to the actual date of transfer after the actuarial determination of the proportional share of reserves attributable to retired members of the Minneapolis retirement fund is calculated by the actuary for the legislative commission on pensions and retirement. The proportional share of the deferred yield adjustment account of the Minnesota post-retirement investment fund attributable to the Minneapolis employees retirement fund as of the established date for the transfer of assets and liabilities shall be credited to the deferred yield adjustment account in the retirement benefit fund.

Upon the completion of the transfer authorized by this section, the legislative auditor shall conduct an examination of the transfer proceedings, prepare specific findings as to the propriety of fiscal correctness thereof and transmit these findings to the state board of investment, Minneapolis retirement fund board, the board of directors of the Minnesota state retirement system, the board of trustees of the public employees retirement association, the board of trustees of the teachers retirement association, the committee on public employees and pensions of the senate, the committee on governmental operations of the house of representatives, and the legislative commission on pensions and retirement. If the legislative auditor finds any error in the transfer proceedings, the parties to the transfer shall immediately cause the error to be corrected.

The Minneapolis retirement fund board shall pay any costs arising from the transfer authorized by this subdivision if the costs would not have been incurred in the absence of the transfer.

The established date for the transfer of assets and liabilities shall be June 30, 1981, unless the state board of investment and the Minneapolis employees retirement fund board jointly agree that the transfer authorized by this section should not be consummated on that date, whereupon the established date for the transfer of assets and liabilities shall be June 30, 1982.

Sec. 9. [REVISOR OF STATUTES; INSTRUCTIONS.]

In the next edition of Minnesota Statutes, the revisor of statutes shall remove the term "Minneapolis municipal employee retirement fund" wherever it appears and replace it with the term "Minneapolis employees retirement fund".

Sec. 10. [REPEALER.]

Minnesota Statutes 1980, Section 422A.05, Subdivision 3, is repealed.

Sec. 11. [EFFECTIVE DATE.]

This act is effective upon compliance with Minnesota Statutes, Section 645.021."

Amend the title as follows:

Page 1, line 2, after the semicolon insert "removing the director from the state board investment advisory council; changing the investment authority of the fund;"

Page 1, line 6, delete "Section" and insert "Sections 11A.08, Subdivision 1; 422A.05, Subdivision 2c; and"

Page 1, line 7, before the period insert "; repealing Minnesota Statutes 1980, Section 422A.05, Subdivision 3"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Knoll from the Committee on Governmental Operations, to which was referred

S. F. No. 668: A bill for an act relating to marriage; changing the fee for marriage licenses; providing funds for certain battered women and displaced worker programs; appropriating money; amending Minnesota Statutes 1980, Section 517.08, Subdivision 1b, and by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 21, delete "*worker*" and insert "*homemaker*"

Page 2, after line 22, insert:

"Sec. 3. [INSTRUCTIONS TO REVISOR.]

In accordance with section 648.36, in the next edition of Minnesota Statutes the revisor of statutes shall change the headnote of section 4.40 from "displaced worker programs" to "displaced homemaker programs"."

Amend the title as follows:

Page 1, line 4, delete "worker" and insert "homemaker"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Knoll from the Committee on Governmental Operations, to which was referred

S. F. No. 956: A bill for an act relating to crimes; authorizing state funding for the Minnesota automated fingerprint identification network; appropriating money; amending Minnesota Statutes 1980, Sections 299C.46; and 299C.48.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 7, after the dollar sign, insert "*903,000*"

Page 3, line 12, after the dollar sign, insert "*312,400*"

Page 3, line 15, after "*These*" insert "*operating*"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 69: A bill for an act relating to statutes; providing that selected statutes shall be subject to judicial modification as is common law; proposing new law coded in Minnesota Statutes 1980, Chapter 645.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, after "*1.*" insert "[JUDICIAL AUTHORITY.]"

Page 1, line 14, after "*statute*" insert "*, whether written as a word or as a numeral,*"

Page 1, line 16, after "2." insert "[LAWS CHANGED.]"

Page 1, line 19, delete the first comma and insert "*law*"

Page 1, line 19, delete the second comma

Page 1, line 20, after "*3.*" insert "[APPLICABLE TIME.]"

Page 1, line 21, delete "*also*"

Page 2, line 2, after "*4.*" insert "[LAWS INCLUDED.]"

Page 2, line 4, delete "*property,*"

Page 2, line 10, after "*of*" insert "*public*"

Page 2, line 12, after "*crimes,*" insert "*real estate title,*"

Page 2, line 12, delete the semicolon and insert a comma

Page 2, line 13, before "*and*" insert "*health*"

Page 2, line 13, delete the semicolon and insert "*and*"

Page 2, line 16, after "*5.*" insert "[CITATION.]"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 436: A bill for an act relating to children; providing for review of foster care status of certain children; amending Minnesota Statutes 1980, Sections 257.071, Subdivisions 2, 3 and 4; 260.015, Subdivision 7; 260.111, Subdivision 2; and 260.131, by adding a subdivision; proposing new law to be coded in Minnesota Statutes, Chapter 260.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, reinstate the stricken language

Page 1, line 15, reinstate "shall be"

Page 1, lines 16 to 19, delete the new language and insert "*subject to an administrative review 180 days*"

Page 1, line 22, after the period, insert "*As an alternative to the administrative review, the social service agency responsible for the placement may bring a petition as provided in section 260.131, subdivision 1a, to the court for review of the foster care to determine if placement is in the best interests of the child. This petition must be brought to the court within six months and is not in lieu of the requirements contained in subdivision 3 or subdivision 4.*"

Page 2, line 9, delete "*one year*" and insert "*two years*"

Page 4, line 6, after "*facility*" insert ", *as defined in section 257.071, subdivision 1,*"

Page 4, line 12, after "*facility*" insert ", *as defined in section 257.071, subdivision 1,*"

Page 4, line 13, after "*may*" insert "*bring a*"

Page 4, line 13, delete the first "*the*" and insert "*in*"

Page 4, line 13, delete "*in the*" and insert "*to review the foster care status of the child in the manner provided in this section.*"

Page 4, delete lines 14 and 15

Page 4, delete lines 23 to 25 and insert "*arrangement. The court shall order the social service agency responsible for the placement to bring a petition pursuant to either section 260.131, subdivision 1 or section 260.131, subdivision 1a, as appropriate, within two years if court review was pursuant to section 257.071, subdivision 3 or subdivision 4, or within one year if court review was pursuant to section 257.071, subdivision 2.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 825: A bill for an act relating to courts; abolishing the maintenance of certain court records; amending Minnesota Statutes 1980, Sections 485.07; 548.08; 548.15; 548.22; 548.24; and 572.22, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, strike "his said" and insert "*the clerk's*"

Page 1, line 24, strike "such" and insert "*any*"

Page 2, line 17, strike the first "be" and insert "*is*"

Page 2, line 24, strike "such" and insert "*the*"

Page 2, line 25, strike "be" and insert "*is*"

Page 2, line 34, strike the first "such" and insert "*the*"

Page 2, line 34, strike the second "such" and insert " *attorney*"

Page 2, line 35, strike "such" and insert "*the*"

Page 3, line 14, strike "thereupon"

Page 3, line 14, strike "such" and insert "*the*"

Page 4, line 8, strike "the same" and insert "*it*"

Page 4, line 12, strike "thereupon"

Page 4, line 13, strike "thereon" and insert "*on it*"

Page 4, line 20, after "1." insert "[JUDGMENT ROLL.]"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Veterans' Affairs, to which was referred

S. F. No. 557: A bill for an act relating to veterans; creating a tuition allowance program for certain veterans; proposing new law coded in Minnesota Statutes, Chapter 197.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 17, after "*Minnesota*" insert "*or the University of Minnesota*"

Page 2, line 1, delete "*March*" insert "*May*" and after "*1975*" insert a comma

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Veterans' Affairs, to which was referred

S. F. No. 811: A bill for an act relating to public holidays; regulating the observance of Memorial Day; amending Minnesota Statutes 1980, Sections 465.50; and 645.44, Subdivision 5.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Schmitz from the Committee on Veterans' Affairs, to which was referred

S. F. No. 790: A bill for an act relating to veterans; requiring the Veterans of Foreign Wars to provide assistance to disabled veterans in filing claims with the United States government; 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. Spear from the Committee on Public Employees and Pensions, to which was referred

S. F. No. 452: A bill for an act relating to the state board of investment; establishing standards for the selection of certain prudent investments; amending Minnesota Statutes 1980, Section 11A.09.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 3, delete "*such*" and after "*violations*" insert "*of human rights*"

Page 3, line 8, after the period, insert "*The board may adopt policies and procedures designed to interpret and implement the provisions of this subdivision.*"

Page 3, after line 8, insert:

"*Subd. 5.* [POST RETIREMENT FUND; EXEMPTION.] *The investments of the post retirement fund, established pursuant to section 11A.18, are exempted from the requirements of subdivisions 3 and 4.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Public Employees and Pensions, to which was referred

S. F. No. 805: A bill for an act relating to state government; authorizing a new account in the Minnesota supplemental investment fund; modifying the post-retirement adjustment; authorizing the state board of investment to invest in commingled funds and limited partnerships; amending Minnesota Statutes 1980, Sections 11A.17; 11A.18, Subdivision 9; and 11A.24, Subdivisions 3, 4, 5, and by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 22, reinstate the stricken language

Page 4, after line 30, insert:

"*Subd. 12.* [DEFERRED YIELD ADJUSTMENT ACCOUNT FOR THE BOND ACCOUNT OF THE SUPPLEMENTAL INVESTMENT FUND.] *There is hereby established a deferred yield adjustment account which shall be increased by the sale or disposition of any debt securities at less than book value and shall be decreased by the sale or disposition of debt securities at more than book value. At the end of each fiscal year, a portion of the balance of this account shall be offset against the investment income for that year. The annual portion of the balance to be offset shall be proportional to the reciprocal of the period over which the established rate was set, unless the amounts are offset by gains on the future sales of securities. In any fiscal year in which the gains on the sales of debt securities exceed the discounts realized on the sales of such securities, the excess shall be used to reduce the balance of the account.*"

Page 4, line 31, strike "12" and insert "*13*"

Page 5, line 1, strike "assumed" and insert "*established*"

Page 6, line 20, strike the semicolon and insert ". *The required reserves shall be determined on the assumption that all annuitants and benefit recipients eligible to receive the post-retirement adjustment will be alive on the January 1 in question;*"

Page 6, line 27, delete "*25 percent of*"

Page 6, line 30, strike "75 percent will" and insert "*amount shall*"

Page 6, lines 31 to 34, reinstate the stricken language and delete the new language

Page 6, line 34, strike the period and insert a semicolon

Page 9, line 34, delete "*clause (b)*" and insert "*clauses (b) and (c)*"

Page 9, line 36, after "*capital*" insert "*investment businesses*"

Page 9, line 36, after "*through*" delete "*investment*" and insert "*participation*"

Page 10, line 2, after "*estate*" insert "*ownership interests or loans secured by mortgages or deeds of trust*"

Page 10, line 5, delete "*and international*"

Page 10, line 8, after "*partnerships*" insert ", *private placements*"

Page 10, line 15, delete "*participants*" and insert "*unrelated owners of the investment*"

Page 10, line 16, delete "*in each investment vehicle*"

Page 10, line 21, delete the language after the period and insert "*The state board shall not engage in any activity as a limited partner which creates general liability.*"

Page 10, delete line 22

Page 10, after line 22, insert:

"Sec. 7. [APPROPRIATION.]

There is annually appropriated to the state board, from the assets of the funds for which the state board invests pursuant to section 6, clause (a), sums sufficient to pay the costs for the management of these funds by private management firms.

Sec. 8. [INSTRUCTIONS TO REVISOR.]

Whenever it appears in Minnesota Statutes, Chapters 3A; 11A; 13; 69; 352; 353; 354; 355; 356; 422A or 490, the revisor shall replace the terms "Minnesota supplemental retirement fund" or "supplemental retirement fund" if referring to the fund established pursuant to Minnesota Statutes, Section 11A.17, with the terms "Minnesota supplemental investment fund" or "supplemental investment fund" respectively.

Sec. 9. [EFFECTIVE DATE.]

This act is effective on the day following final enactment."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Knoll from the Committee on Governmental Operations, to which was referred

S. F. No. 327: A bill for an act relating to criminal justice; establishing a crime control planning board; establishing regional crime control advisory councils; authorizing grants to regional crime control advisory councils; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 299A; repealing Minnesota Statutes 1980, Section 299A.03.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [3.87] [CRIMINAL JUSTICE COMMISSION.]

Subdivision 1. [CREATION; PURPOSE.] *A criminal justice commission is hereby created to examine the criminal justice system on a local, regional and statewide basis.*

Subd. 2. [DUTIES.] *Together with its examination of the existing system of criminal justice, the commission shall:*

(a) Study and make recommendations regarding crime control and the improvement of the criminal justice system;

(b) Serve as a coordinating body for the regional advisory councils established in section 5;

(c) Analyze proposed criminal justice legislation; and

(d) File an annual report with the legislature.

Subd. 3. [MEMBERSHIP.] *The commission shall consist of six members of the senate, four appointed by the majority leader and two appointed by the minority leader, and six members of the house of representatives, four appointed by the speaker and two appointed by the minority leader. Each of these people shall be a member of the commission only while that person is a member of the body from which that person was appointed. The first members of this commission shall be selected to serve for a term expiring on January 15 of the next biennial session of the legislature and until their successors are appointed. Subsequent members of the commission shall be appointed at the commencement of each biennial session of the legislature for a two year term beginning on January 16 of that year. Vacancies shall be filled in the same manner as the original appointment.*

Subd. 4. [CHAIRMAN.] *The chairmanship of the commission shall alternate every two years between a member of the senate and a member of the house. The initial chairman of the commission shall be a member of the senate. The commission shall hold meetings at the time and place designated by the chairman.*

Subd. 5. [STAFF.] *The commission may employ the professional, clerical, and technical assistants it deems necessary in order to perform its duties and may use existing legislative staff.*

Subd. 6. [ASSISTANCE OF OTHER AGENCIES.] *The commission may request information from any state officer or agency in order to assist in carrying out the terms of this section and the officer or agency shall promptly*

furnish any data requested to the extent permitted by law.

Subd. 7. [EXPENSES AND REIMBURSEMENT OF MEMBERS AND STAFF.] *The members of the commission and its assistants shall be reimbursed for all expenses actually and necessarily incurred in the performance of their duties. Reimbursement shall be made pursuant to the rules governing legislators and legislative employees.*

Subd. 8. [COMMISSION EXPENSES AND REPORTS.] *Expenses of the commission shall be approved by the chairman or other member as the rules of the commission may provide and the expenses shall then be paid in the same manner as other state expenses are paid. A general summary or statement of expenses incurred by the commission and paid shall be made to the legislature by November 15 of each even numbered year.*

Sec. 2. Minnesota Statutes 1980, Section 299A.03, Subdivision 2, is amended to read:

Subd. 2. [CREATION; MEMBERSHIP.] There is created the crime control planning board in the executive branch of state government. The board shall be composed of the ~~chairperson appointed by the governor~~ *director of the state planning agency, who shall serve as chairman,* and the following 18 members:

(a) The chief justice of the Minnesota supreme court or, if he elects not to serve, a designee;

(b) The attorney general or a member of his staff designated by him;

(c) The commissioner of public safety or a member of his staff designated by him;

(d) The commissioner of corrections or a member of his staff designated by him;

(e) A district, county or municipal court trial judge;

(f) The state court administrator; and

(g) Twelve citizens of the state appointed by the governor.

The trial judge and the designee for the chief justice, if the chief justice elects not to serve, shall be appointed by the governor. In making these two appointments, the governor shall consider a list of at least three nominees for each position submitted to the governor by the chief justice within 30 days after the effective date of this section or the occurrence of a vacancy. The remaining members appointed by the governor shall include persons employed by agencies or political subdivisions engaged in activities relating to law enforcement or criminal justice, persons representing agencies engaged in providing youth services and preventing juvenile delinquency and persons who would not qualify for appointment under any of the preceding categories but who are interested in activities within the jurisdiction of the board.

Sec. 3. [299A.20] [POLICY.]

The legislature declares that efforts to control crime and improve the criminal justice system in this state must begin with comprehensive planning and improved coordination among federal, state and local criminal justice system agencies. This planning and coordinating effort must be responsive to the unique problems and resources that exist in the different development regions

within the state. Only through the creation of a statewide network of local and regional crime control advisory councils can these efforts to control crime and improve the criminal justice system be implemented.

Sec. 4. [299A.21] [CRIME CONTROL PLANNING REGIONS.]

Each of the development regions authorized to be established by Minnesota Statutes, Section 462.385, and the territory defined by Laws 1967, Chapter 896, shall be designated crime control planning regions.

Sec. 5. [299A.22] [REGIONAL ADVISORY COUNCIL.]

Subdivision 1. [MEMBERSHIP.] *Each crime control planning region shall have a regional crime control advisory council of not more than 25 members appointed by the regional development commission and, if applicable, the county board pursuant to subdivision 3. The metropolitan council shall be the regional crime control advisory council for the metropolitan area.*

Subd. 2. [COOPERATIVE PLANNING.] *Nothing in this subdivision shall be construed to prohibit joint and cooperative planning efforts between regions or between units of local government geographically located within the metropolitan area as defined by Minnesota Statutes, Section 473.121, Subdivision 2. Additionally, regional development commissions may contract with a nonprofit agency for the purpose of performing the functions contained in section 6.*

Subd. 3. [MEMBERS.] *Members of the regional crime control advisory councils shall be appointed for a two year term but serve at the pleasure of the regional development commission. Metropolitan council members shall serve their terms as defined by Minnesota Statutes, Section 473.123, Subdivision 2. Each county geographically located within a regional development commission jurisdiction shall be represented by at least one member on the regional crime control advisory council appointed by the county board. The regional crime control advisory council shall organize itself and elect a chairperson.*

Subd. 4. [ADMINISTRATIVE SERVICES.] *Each regional development commission and the metropolitan council, or contracted agency, shall provide the regional crime control advisory council with office space, staff support, and administrative services.*

Sec. 6. [299A.23] [PLANNING FUNCTIONS; REGIONAL AND LOCAL.]

Each regional advisory council shall:

(a) Develop and revise as necessary a comprehensive plan for the control of crime and the improvement of the criminal justice system in the region. This comprehensive criminal justice plan shall include:

(1) An analysis of data which indicates the current status and trends of crime and delinquency in the region;

(2) Data indicating the availability of public and private, paid and voluntary resources available for crime prevention control activities in the region;

(3) A statement of regional crime control and criminal justice system improvement goals, policies, priorities, and implementation strategies. The implementation strategies shall include proposed legislation, proposed technical

assistance projects, proposed coordinating activities, and proposed guidelines for the allocation of federal, state, and local resources within the region.

(b) Serve as the regional clearinghouse for:

(1) Information on crime, crime trends, criminal justice research and evaluation results, methods for preventing and controlling crime and delinquency, technical assistance available from federal, state, and local agencies, crime control and prevention resources, criminal justice and juvenile justice legislation;

(2) Review and comment on federal and state grant applications for criminal justice projects affecting agencies and units of government in the region.

(c) Evaluate and report to the legislature, the governor, and executive branch agencies the impact of proposed or existing criminal justice legislation on local governments and agencies and special populations in the region.

(d) Assist local governments and agencies in the development and implementation and evaluation of crime control and justice system improvement project activities.

(e) Coordinate and integrate where appropriate criminal and juvenile justice activities with the other planning and policy development activities performed by regional development commissions and the metropolitan council.

(f) Develop and implement public information programs to promote voluntary, coordinated crime and delinquency prevention and control activities by public and private agencies and community groups in the region.

(g) Assist local governments and agencies in the development and implementation of coordinated projects and activities that will increase the cost-effectiveness of crime control and justice system improvement efforts in the region.

(h) Administer block grants awarded pursuant to the federal crime control acts or other state or federal acts providing appropriations for crime control and justice system improvement, including federal funds allocated to local units of government.

(4) Report each January 15 to the legislative commission established in section 1 and at such other times as the commission may request on all of the activities of the advisory council under this section.

Sec. 7. [299A.25] [EVALUATION.]

Prior to September 30, 1984, the regional crime control advisory councils, the legislative commission established in section 1, and the legislative audit commission shall conduct an evaluation of the effectiveness of the statewide crime control planning process authorized and established by this act and report the results of the evaluation to the governor and the legislature prior to December 15, 1984.

Sec. 8. [APPROPRIATIONS.]

Subdivision 1. There is appropriated from the general fund the sums indicated in this section for the fiscal year ending June 30 in the years designated for the following purposes.

Subd. 2. [CRIMINAL JUSTICE COMMISSION.] *For the criminal justice*

commission established pursuant to section 1, there is appropriated:

$ 1982,

$ ..... 1983.

Subd. 3. [REGIONAL CRIME CONTROL PLANNING; 1982.] *For the regional crime control planning activities established pursuant to section 6, there is appropriated to the following regional development commissions the following amounts for fiscal year 1982.*

Region 1	*$ 14,057*
Region 2	*14,057*
Region 3	*50,390*
Region 4	*37,966*
Region D	*50,390*
Region E	*54,692*
Region 9	*32,008*
Region 10	*34,370*
Region 11	*292,915*

Subd. 4. [REGIONAL CRIME CONTROL PLANNING; 1983.] *For the regional crime control planning activities established pursuant to section 6, there is appropriated to the following regional development commissions the following amounts for fiscal year 1983.*

Region 1	*$ 13,364*
Region 2	*13,363*
Region 3	*48,339*
Region 4	*35,056*
Region D	*48,319*
Region E	*52,084*
Region 9	*31,067*
Region 10	*33,224*
Region 11	*279,131*

Subd. 5. The appropriations in this section shall not be used for a purpose other than the purpose indicated.

Sec. 9. [REPEALER.]

Minnesota Statutes 1980, Section 299A.03, Subdivision 5, is repealed effective July 1, 1981.

Sec. 10. [REPEALER.]

Minnesota Statutes 1980, Sections 260.125, Subdivision 6; 299A.03, Subdivisions 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, and 14; and 299A.04, are repealed effective July 1, 1982.

Sec. 11. [REPEALER.]

Sections 1, 3, 4, 5, 6 and 7 are repealed effective July 1, 1985. ''

Amend the title as follows:

Page 1, line 2, delete ''crime'' and insert ''legislative commission''

Page 1, line 3, delete ''control planning board''

Page 1, line 6, after the semicolon insert ''amending Minnesota Statutes 1980, Section 299A.03, Subdivision 2;''

Page 1, line 7, delete "Chapter" and insert "Chapters 3 and"

Page 1, line 8, delete "Section" and insert "Sections 260.125, Subdivision 6;" and after "299A.03" insert "; and 299A.04"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S. F. No. 759: A bill for an act relating to transportation; establishing a rail bank account; providing for the deposit of money in the rail bank account and specifying the purposes for which it may be expended; appropriating money; amending Minnesota Statutes 1980, Sections 222.49; 222.50, Subdivision 7; 222.63, by adding a subdivision; and Laws 1980, Chapter 610, Section 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 26, insert:

"Sec. 3. Minnesota Statutes 1980, Section 222.63, Subdivision 2, is amended to read:

Subd. 2. [ESTABLISHMENT; ACQUISITION; ELIGIBLE PROPERTIES.] A state rail bank is established for the acquisition, preservation and disposition of abandoned railroad right-of-way for future use for commercial transportation and transmission. The commissioner of transportation may acquire by purchase ~~or otherwise~~ all or part of any abandoned railroad right-of-way which is necessary for inclusion in the state rail bank to meet the future commercial transportation needs of the state. The commissioner shall not acquire any interest in an abandoned right-of-way for inclusion in the state rail bank by eminent domain except to quiet title or when all owners as defined in section 117.025 that are known to the court have no objection to the taking.

An abandoned right-of-way is eligible for inclusion in the state rail bank if the right-of-way meets one or more of the following criteria:

(a) Provides or is expected to provide access to a present or proposed major energy generating or using facility such as an electrical generating plant, major heating plant or other major industrial user of energy;

(b) Provides or is expected to provide access to a major storage or terminal facility in the marketing of agricultural commodities and forest products;

(c) Provides important access to surrounding states;

(d) Is a present or potential corridor for a pipeline, electrical transmission line, highway, transit route, rail freight or passenger line or other similar commercial transportation use; or

(e) Provides access to an extractive resource requiring transportation and transmission rail services for its development.

The commissioner shall provide for the maintenance including control of weeds, of any right-of-way that is included in the rail bank. The commissioner shall provide for the maintenance and management of any right-of-way that is acquired under the rail bank program in a manner that minimizes maintenance costs and provides a benefit to the state. The commissioner may also require that any existing railroad track that is included in the acquired right-of-way shall not be removed during the period the right-of-way is included in the state rail bank."

Page 3, line 13, strike "Sections" and insert "*Section*"

Page 3, line 13, delete "*222.50,*"

Page 3, line 14, delete "*Subdivision 7, Clause (c), and*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after "222.63," insert "Subdivision 2, and"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S. F. No. 713: A bill for an act relating to drivers licenses; increasing fees for motorized bicycle operator permits and for driver licenses; establishing a fee for the Minnesota identification card; providing for uniform application fees; requiring reexamination before issuance of a new drivers license after revocation; amending Minnesota Statutes 1980, Sections 171.02, Subdivision 3; 171.06, Subdivisions 1, 2 and 4; 171.07, Subdivision 3; and 171.29.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 28, insert:

"Sec. 4. Minnesota Statutes 1980, Section 171.06, is amended by adding a subdivision to read:

Subd. 3a. [MIDDLE NAME MAY BE MAIDEN NAME.] *For the purposes of subdivision 3, and section 171.07, subdivision 1, the full name of a married applicant may include, at the option of the applicant, the applicant's family name prior to marriage instead of the applicant's given middle name, notwithstanding the middle name specified on the applicant's marriage certificate.*"

Page 4, after line 13, insert:

"Sec. 7. Minnesota Statutes 1980, Section 171.26, is amended to read:

171.26 [MONEYS CREDITED TO ~~TRUNK HIGHWAY~~ *HIGHWAY USER TAX DISTRIBUTION* FUND ~~AND TO GENERAL FUND~~.]

All money received under the provisions of this chapter shall be paid into the state treasury with ~~90~~ *100* percent of ~~such~~ *the* money credited to the ~~trunk highway~~ *highway user tax distribution* fund~~, and ten percent credited to the general fund~~."

Page 4, line 32, delete "*This act is*" and insert "*Sections 1 to 3 and 5 to 8 are*"

Page 4, line 32, after the period insert "*Section 4 is effective January 1, 1983.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after "fees" insert "; providing for the reallocation of certain revenues"

Page 1, line 7, after "revocation" insert "; authorizing married applicants to use their maiden name as their middle name"

Page 1, line 9, delete the first "and" and insert a comma

Page 1, line 9, after "4" insert ", and by adding a subdivision"

Page 1, line 9, after "3" insert "; 171.26"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S. F. No. 862: A bill for an act proposing an amendment to the Minnesota Constitution, Article XI, Section 5; providing for the improvement and rehabilitation of certain railroad facilities.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 20, delete "*the contracting of debt*" and insert "*state bonding authority*"

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 819: A bill for an act relating to agriculture; increasing a variety of fees charged by the department of agriculture for services, inspections, and other duties; establishing a revolving fund; appropriating money; amending Minnesota Statutes 1980, Sections 17B.15; 18.51, Subdivision 2; 18.52, Subdivision 5; 18.54, Subdivision 1; 19.19, Subdivisions 1 and 2; 19.20, Subdivision 4; 223.03; 223.12, Subdivision 1; 231.16; 232.02, Subdivisions 1, 2, and 3; and 233.08.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 15, after "WEIGHING" insert "; *DEDICATED ACCOUNT*"

Page 1, line 16, after "1." insert "[AMOUNT OF FEES; DEPOSIT IN ACCOUNT.]"

Page 1, line 20, delete "*purposes*" and insert "*provisions*"

Page 1, line 20, before the period, insert ", *including repayment by the department of any amount appropriated from the general fund to establish the grain inspection and weighing account*"

Page 1, line 27, strike "moneys so" and insert "*fees*"

Page 1, line 28, strike "paid into"

Page 1, line 29, strike "the state treasury" and delete "*and credited to*" and insert "*deposited in*"

Page 2, line 1, delete "*fund of the commissioner, hereby created*" and insert "*account, which is created in the state treasury*"

Page 2, line 2, delete "*effective July 1,*"

Page 2, line 3, delete "*1981*" and after the period, insert "*The money in the*

account is annually appropriated to the commissioner of agriculture to administer the provisions of sections 17B.01 to 17B.23.''

Page 2, line 15, after ''3.'' insert ''[MINIMUM CHARGE.]''

Page 2, line 19, reinstate the old language and delete the new language

Page 2, line 26, strike ''be''

Page 2, line 27, strike ''required to'' and strike ''shall''

Page 2, line 28, strike ''issue'' and insert ''*issues*''

Page 3, line 3, delete ''*15*'' and insert ''*50*''

Page 5, lines 35 to 37, reinstate the stricken language and delete the new language

Page 6, lines 1, 2 and 6, reinstate the stricken language and delete the new language

Page 6, delete section 9

Page 11, line 20, delete ''APPROPRIATIONS'' and insert ''APPROPRIATION''

Page 11, line 21, delete everything before ''*The*''

Page 11, lines 24 and 26, delete ''*fund*'' and insert ''*account*''

Page 11, delete lines 28 to 37

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 19, delete ''223.12, Subdivision 1;''

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. 664: A bill for an act relating to water resources; altering certain provisions concerning the regulation of shoreland use and development in municipalities; amending Minnesota Statutes 1980, Section 105.485, Subdivision 6.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 to 3, delete section 1 and insert:

''Section 1. Minnesota Statutes 1980, Section 105.485, Subdivision 6, is amended to read:

Subd. 6. [MUNICIPAL SHORELAND MANAGEMENT.] ~~Before April 1, 1974, each~~ *Any* municipality having shoreland within its corporate limits shall submit to the commissioner, *within one year from the date of notification by*

the commissioner, for ~~his~~ review~~,~~ ~~any~~ *and approval, proposed municipal shoreland management* ordinances, rules, or regulations ~~affecting the use and development of its shorelands~~ *which meet the minimum standards and criteria established pursuant to this section*. The commissioner shall review the ordinances, rules, or regulations and determine whether they are in substantial compliance with municipal shoreland management standards and criteria promulgated pursuant to subdivision 3. In making ~~his~~ *the* review the commissioner also shall consider any feature unique to the municipal shoreland in question, including but not limited to the characteristics of the waters which may be affected by development, storm sewer facilities, and sanitary and waste disposal facilities in existence at the time of the commissioner's review. If the commissioner determines that the ordinances, rules, or regulations of a municipality do not substantially comply with the state standards and criteria for municipal shoreland management, ~~he~~ *the commissioner* shall so notify the municipality and shall indicate to the municipality the changes which are necessary to bring the ordinances, rules, or regulations into substantial compliance with state standards and criteria. Within ~~one year~~ *six months* after receiving this notice from the commissioner, the municipality shall make the changes necessary to bring the ordinances, rules, or regulations into substantial compliance with state standards and criteria *and shall enact ordinances, rules, or regulations which meet state standards and criteria*. ~~If a municipality has no ordinance, rule, or regulation affecting the use and development of shoreland on April 1, 1974, it shall adopt such an ordinance, rule, or regulation complying with state standards and criteria for municipal shoreland management, before July 1, 1975.~~

The commissioner may adopt a shoreland management ordinance, rule or regulation for a municipality as provided in this subdivision if :

(a) ~~a~~ *The* municipality has ~~no~~ *been notified by the commissioner to submit a shoreland management* ordinance, rule, or regulation ~~affecting the use and development of shoreland on April 1, 1974,~~ and fails to ~~adopt such~~ *submit* an ordinance ~~by July 1, 1975, or if~~ *, rule or regulation within one year after receiving the notice;*

(b) The corporate boundaries of the municipality are expanded to include shorelands not previously included within the municipal boundaries and the municipality fails to adopt ~~such~~ an ordinance *, rule or regulation* within one year after including the shorelands within its municipal boundaries ~~,~~ *;* or ~~if~~

(c) The commissioner determines that a municipal shoreland management ordinance *, rule or regulation* does not substantially comply with the state standards and criteria for municipal shoreland management and that the municipality has failed to make the necessary changes within ~~one year~~ *six months* after receiving notice of *the commissioner's determination of substantial* noncompliance ~~, the commissioner may adopt an ordinance, rules, or regulations for the municipality in the following manner~~ .

If the commissioner *proposes an ordinance, rule or regulation, he* shall hold at least one public hearing on the proposed ordinance, ~~rules, or regulations~~ *rule or regulation* in the manner provided in section 462.357, after giving notice as provided in section 462.357. The ordinance, rules, or regulations are effective for the municipality on the date and in accordance with ~~such~~ regulations relating to compliance as the commissioner shall prescribe. The ordinance shall

be enforced as provided in section 462.362. The penalties provided in section 462.362 apply to violations of the ordinances, rules, or regulations adopted for the municipality by the commissioner. The costs incurred by the commissioner in adopting the ordinances, rules, or regulations for the municipality shall be paid by the municipality and collected from the municipality in the same manner as ~~such~~ costs are paid by a county and collected from a county pursuant to subdivision 5 ~~; and~~ . Any tax levied to pay the costs shall be levied in excess of any limitation as to rate or amount, but shall not cause the amount of other taxes which are subject to any limitation to be reduced in any amount whatsoever."

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. 818: A bill for an act relating to game and fish; restricting the taking of bear to adult bear; amending Minnesota Statutes 1980, Section 100.27, Subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 1980, Section 97.49, Subdivision 1a, is amended to read:

Subd. 1a. (a) For purposes of this subdivision, "deer license" means a license issued by the commissioner under the provisions of section 98.46, subdivision 2, clauses (2) and (3) and subdivision 14, clauses (2) and (3).

(b) It is the policy of this state that at least $1 from each deer license issued by the commissioner shall be used for the purpose of deer habitat improvement. *An additional $1 from each deer license shall be used for deer habitat improvement effective for the license year beginning March 1, 1982, and thereafter, if deer license fees are increased for the 1982 license year.*"

Renumber the remaining section

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "increasing the amount set aside from any increased deer license fees for deer habitat improvement;"

Page 1, line 4, delete "Section" and insert "Sections 97.49, Subdivision 1a; and"

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. 372: A bill for an act relating to agriculture; removing certain buyers and sellers of hay and straw from commission merchant licensing requirements; amending Minnesota Statutes 1980, Sections 223.01; 223.02; 223.03; and 223.05; repealing Minnesota Statutes 1980, Sections 223.06 and

223.12.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 810: A bill for an act relating to pollution; authorizing water pollution control fund grants for certain wastewater treatment projects; authorizing issuance of Minnesota state water pollution control bonds; appropriating money; amending Minnesota Statutes 1980, Section 116.18, Subdivisions 1 and 4.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

H. F. No. 150: A bill for an act relating to parks; removing authority to lease certain lands within Tettegouche state park; repealing Laws 1979, Chapter 301, Section 10, Subdivision 7.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred the following appointment as reported in the Journal for February 16, 1981:

WATER PLANNING BOARD

Alvin Payne

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. Spear from the Committee on Public Employees and Pensions, to which was referred the following appointment as reported in the Journal for January 19, 1981:

PUBLIC EMPLOYMENT RELATIONS BOARD

Karl F. Landholm

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. Spear from the Committee on Public Employees and Pensions, to which was referred the following appointment as reported in the Journal for February 16, 1981:

PUBLIC EMPLOYMENT RELATIONS BOARD

Karen A. Olsen

Reports the same back with the recommendation that the appointment be confirmed.

Mr. Moe, R. D. moved that the foregoing committee report be laid on the table. The motion prevailed.

SECOND READING OF SENATE BILLS

S. F. Nos. 382, 791, 820, 1101, 333, 650, 708, 817, 69, 436, 825, 811, 452, 805, 759, 713, 664, 818 and 372 were read the second time.

SECOND READING OF HOUSE BILLS

H. F. No. 150 was read the second time.

MOTIONS AND RESOLUTIONS

Mr. Nelson moved that the name of Mr. Sikorski be added as co-author to S. F. No. 208. The motion prevailed.

Mr. Nichols moved that his name be stricken as chief author and Mr. Peterson, C.C. be shown as chief author to S. F. No. 282. The motion prevailed.

Mr. Luther moved that the name of Mr. Merriam be added as co-author to S. F. No. 664. The motion prevailed.

Mr. Purfeerst moved that the name of Mr. Merriam be added as co-author to S. F. No. 681. The motion prevailed.

Mr. Dicklich moved that the name of Mr. Merriam be added as co-author to S. F. No. 767. The motion prevailed.

Mr. Ramstad moved that his name be stricken as co-author to S. F. No. 919. The motion prevailed.

Mr. Ulland moved that the name of Mr. Belanger be added as co-author to S. F. No. 1049. The motion prevailed.

Mr. Merriam moved that the name of Mr. Dahl be added as co-author to S. F. No. 1074. The motion prevailed.

Mrs. Stokowski moved that the name of Mr. Dahl be added as co-author to S. F. No. 1103. The motion prevailed.

Ms. Berglin moved that the names of Messrs. Stern and Ramstad be added as co-authors to S. F. No. 1147. The motion prevailed.

Mr. Sikorski moved that the name of Mr. Stern be added as co-author to S. F. No. 1163. The motion prevailed.

Mr. Dieterich moved that the name of Mr. Dahl be added as co-author to S. F. No. 1175. The motion prevailed.

Mr. Hughes moved that H. F. No. 483 be withdrawn from the Committee on Local Government and Urban Affairs and re-referred to the Committee on Veterans' Affairs. The motion prevailed.

Messrs. Ramstad and Pillsbury introduced—

Senate Resolution No. 42: A Senate resolution congratulating the Wayzata

Trojans basketball team for winning the Co-championship of the Lake North Conference.

Referred to the Committee on Rules and Administration.

Mr. Ramstad introduced—

Senate Resolution No. 43: A Senate resolution congratulating the Armstrong Senior High School basketball team for winning Co-Championship of the Lake North Conference.

Referred to the Committee on Rules and Administration.

Mr. Rued introduced—

Senate Resolution No. 44: A Senate resolution extending congratulations to the Brainerd Kixters on winning first place in the Minnesota State Danceline Competition.

Referred to the Committee on Rules and Administration.

Mr. Setzepfandt introduced—

Senate Resolution No. 45: A Senate resolution congratulating the Bird Island-Lake Lillian High School Football Team on winning the 1980 State Class C Football Championship.

Referred to the Committee on Rules and Administration.

Mr. Setzepfandt introduced—

Senate Resolution No. 46: A Senate resolution congratulating the Bird Island-Lake Lillian High School Basketball Team on winning the 1981 Class A Basketball Championship.

Referred to the Committee on Rules and Administration.

Mr. Bertram introduced—

Senate Resolution No. 47: A Senate resolution congratulating the Huskies boys basketball team from Albany High School for participating in the 1981 Class A State High School Boys Basketball Tournament.

Referred to the Committee on Rules and Administration.

Mr. Pehler introduced—

Senate Resolution No. 48: A Senate resolution relating to the proclamation of Handicapped Awareness Week in the St. Cloud area.

Referred to the Committee on Rules and Administration.

Mr. Pehler moved that S. F. No. 1101 be stricken from General Orders and re-referred to the Committee on Governmental Operations. The motion prevailed.

S. F. No. 247 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S. F. NO. 247

A bill for an act relating to metropolitan government; providing for the maximum amount of the borrowing authorization of the metropolitan airports commission; requiring the installation of certain equipment; mandating a noise abatement plan; amending Minnesota Statutes 1980, Sections 473.608, Subdivision 20, and by adding a subdivision; and 473.667, Subdivision 2.

March 31, 1981

The Honorable Jack Davies
President of the Senate

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 247, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and S.F. No. 247 be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 473.667, Subdivision 2, is amended to read:

Subd. 2. [BORROWING AUTHORIZATION.] No additional bonds shall be issued under the provisions of section 473.665, over and above the amount outstanding April 1, 1974. Except for refunding bonds and certificates of indebtedness, the principal amount of bonds that may be issued under this section, over and above the amount of bonds of the commission outstanding ~~February 1, 1980~~ *January 15, 1981*, is limited to ~~$75,000,000~~ *$92,000,000* until and unless this limitation is increased by law. The pledge of revenues of the commission to its debt service fund in lieu of the taxes otherwise required by section 473.665 to be assessed and extended shall be and remain a first charge on all current revenues of the commission to the extent required annually to cancel such taxes.

Sec. 2. Minnesota Statutes 1980, Section 473.608, Subdivision 20, is amended to read:

Subd. 20. Subject to the final enactment of the Airport and Airways Development Act Amendments of 1975 the corporation shall install aircraft noise suppressing equipment at the ground run-up operation sites of the Minneapolis-St. Paul International Airport. All such aircraft noise suppressing equipment shall conform to specifications approved by the pollution control agency. ~~The pollution control agency shall determine the deadline for design selection and installation of the aircraft noise suppressing equipment; provided~~ The deadline for design selection shall be no later than ~~December 31, 1980~~ *March 1, 1983*.

Sec. 3. [473.612] [NOISE ABATEMENT PLAN.]

By December 31, 1981 the commission shall submit to the legislature a noise abatement plan for the Minneapolis-St. Paul International Airport, containing annual objectives until December 31, 1987, for reduction of aircraft noise within the metropolitan area. The plan shall contain definite proposals for

specific annual reductions in the maximum hourly noise levels, such as defined by Minnesota pollution control agency rules, 6 MCAR 4.2001 (15) and (16), based on the typically worst noise condition on an hourly basis received in populated residential areas. By December 31, 1982, and each year thereafter until December 31, 1987, the commission shall submit to the legislature a report detailing the reduction of aircraft noise in meeting the annual objectives outlined in the above noise abatement plan.

Sec. 4. [EFFECTIVE DATE.]

This act applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington and is effective the day after final enactment."

Delete the title and insert:

"A bill for an act relating to metropolitan government; providing for the maximum amount of the borrowing authorization of the metropolitan airports commission; requiring actions to abate airport noise; amending Minnesota Statutes 1980, Sections 473.608, Subdivision 20; and 473.667, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 473."

We request adoption of this report and repassage of the bill.

Senate Conferees: (Signed) Clarence M. Purfeerst, Otto T. Bang, Jr., Irving M. Stern

House Conferees: (Signed) Gordon O. Voss, Wesley J. Skoglund, William Schreiber

Mr. Purfeerst moved that the foregoing recommendations and Conference Committee Report on S. F. No. 247 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 247 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 60 and nays 1, as follows:

Those who voted in the affirmative were:

Bang	Engler	Lantry	Peterson, C.C.	Sikorski
Belanger	Frank	Lessard	Peterson, D.L.	Solon
Benson	Frederick	Lindgren	Peterson, R.W.	Spear
Berglin	Frederickson	Luther	Petty	Stern
Bernhagen	Hanson	Menning	Pillsbury	Stokowski
Bertram	Hughes	Merriam	Purfeerst	Stumpf
Brataas	Humphrey	Moe, D.M.	Ramstad	Taylor
Chmielewski	Knoll	Moe, R.D.	Renneke	Tennessen
Dahl	Knutson	Nelson	Rued	Ulland
Davies	Kroening	Olhoft	Schmitz	Vega
Davis	Kronebusch	Pehler	Setzepfandt	Waldorf
Dicklich	Langseth	Penny	Sieloff	Willet

Mr. Dieterich voted in the negative.

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

CALENDAR

H. F. No. 471: A bill for an act relating to agriculture; consolidating certain promotional fund accounts; regulating deposit of certain funds; appropriating money; amending Minnesota Statutes 1980, Sections 17.59, Subdivisions 3, 4 and by adding a subdivision; 21A.09, Subdivdision 1; 29.17; 30.469; 30.47; 32B.07; and 32B.12.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Engler	Lessard	Peterson, R.W.	Stokowski
Belanger	Frank	Lindgren	Petty	Stumpf
Benson	Frederick	Luther	Pillsbury	Taylor
Berglin	Frederickson	Menning	Purfeerst	Tennessen
Bernhagen	Hanson	Merriam	Ramstad	Ulland
Bertram	Hughes	Moe, D.M.	Renneke	Vega
Brataas	Humphrey	Moe, R.D.	Schmitz	Waldorf
Chmielewski	Johnson	Nelson	Setzepfandt	Willet
Dahl	Knutson	Olhoft	Sieloff	
Davies	Kroening	Pehler	Sikorski	
Davis	Kronebusch	Penny	Solon	
Dicklich	Langseth	Peterson, C.C.	Spear	
Dieterich	Lantry	Peterson, D.L.	Stern	

So the bill passed and its title was agreed to.

H. F. No. 297: A bill for an act relating to the town of Great Scott; granting the town certain powers of a municipality.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Engler	Lantry	Peterson, D.L.	Spear
Belanger	Frank	Lessard	Peterson, R.W.	Stern
Benson	Frederick	Lindgren	Petty	Stokowski
Berglin	Frederickson	Luther	Pillsbury	Stumpf
Bernhagen	Hanson	Menning	Purfeerst	Taylor
Bertram	Hughes	Merriam	Ramstad	Tennessen
Brataas	Humphrey	Moe, D.M.	Renneke	Ulland
Chmielewski	Johnson	Moe, R.D.	Rued	Vega
Dahl	Knoll	Nelson	Schmitz	Waldorf
Davies	Knutson	Olhoft	Setzepfandt	Willet
Davis	Kroening	Pehler	Sieloff	
Dicklich	Kronebusch	Penny	Sikorski	
Dieterich	Langseth	Peterson, C.C.	Solon	

So the bill passed and its title was agreed to.

CONSENT CALENDAR

S. F. No. 463: A bill for an act relating to credit unions; permitting a change of titles of officers; amending Minnesota Statutes 1980, Sections 52.06, Subdivision 1; and 52.09, by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Engler	Langseth	Peterson, C.C.	Solon
Belanger	Frank	Lantry	Peterson, D.L.	Spear
Benson	Frederick	Lessard	Peterson, R.W.	Stern
Berglin	Frederickson	Lindgren	Petty	Stokowski
Bernhagen	Hanson	Luther	Pillsbury	Stumpf
Bertram	Hughes	Menning	Purfeerst	Taylor
Brataas	Humphrey	Merriam	Ramstad	Ulland
Chmielewski	Johnson	Moe, D.M.	Renneke	Vega
Dahl	Keefe	Moe, R.D.	Rued	Waldorf
Davies	Knoll	Nelson	Schmitz	Willet
Davis	Knutson	Olhoft	Setzepfandt	
Dicklich	Kroening	Pehler	Sieloff	
Dieterich	Kronebusch	Penny	Sikorski	

So the bill passed and its title was agreed to.

S. F. No. 885: A bill for an act relating to regional railroad authorities; providing that cities of the first class may join in the organization of a regional railroad authority in conjunction with one or more counties; amending Minnesota Statutes 1980, Sections 398A.02; 398A.03; 398A.04, Subdivisions 8 and 9; and 398A.06, Subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 2, as follows:

Those who voted in the affirmative were:

Bang	Engler	Langseth	Penny	Sieloff
Belanger	Frank	Lantry	Peterson,C.C.	Sikorski
Benson	Frederick	Lessard	Peterson,D.L.	Solon
Berglin	Frederickson	Lindgren	Peterson,R.W.	Spear
Bernhagen	Hanson	Luther	Petty	Stern
Brataas	Hughes	Menning	Pillsbury	Stokowski
Chmielewski	Humphrey	Merriam	Purfeerst	Stumpf
Dahl	Johnson	Moe, D. M.	Ramstad	Taylor
Davies	Keefe	Moe, R. D.	Renneke	Ulland
Davis	Knoll	Nelson	Rued	Vega
Dicklich	Kroening	Olhoft	Schmitz	Waldorf
Dieterich	Kronebusch	Pehler	Setzepfandt	Willet

Messrs. Bertram and Knutson voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 917: A bill for an act relating to the statutes; removing archaic language from certain laws related to animals; amending Minnesota Statutes 1980, Sections 346.20; 346.21; 346.215; 346.216; 346.22; 346.23; 346.24; 346.25; 346.26; 346.27; 346.28; 346.31; 346.32; 346.33; 346.34; and 347.23.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 3, as follows:

Those who voted in the affirmative were:

Bang	Dieterich	Kronebusch	Pehler	Sikorski
Belanger	Engler	Langseth	Penny	Solon
Benson	Frank	Lantry	Peterson,C.C.	Spear
Berglin	Frederick	Lessard	Peterson,D.L.	Stern
Bernhagen	Hanson	Lindgren	Peterson,R.W.	Stokowski
Bertram	Hughes	Luther	Petty	Stumpf
Brataas	Humphrey	Menning	Pillsbury	Taylor
Chmielewski	Johnson	Merriam	Purfeerst	Tennessen
Dahl	Keefe	Moe, D. M.	Ramstad	Ulland
Davies	Knoll	Moe, R. D.	Renneke	Vega
Davis	Knutson	Nelson	Schmitz	Waldorf
Dicklich	Kroening	Olhoft	Sieloff	Willet

Messrs. Frederickson, Rued and Setzepfandt voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 918: A bill for an act relating to Minnesota Statutes; making various clarifications and technical amendments relating to the style and form of Minnesota Statutes 1980, Chapter 56; amending Minnesota Statutes 1980, Sections 56.01; 56.02; 56.04; 56.05; 56.06; 56.07; 56.09; 56.10; 56.11; 56.12; 56.13; 56.14; 56.15, Subdivision 1; 56.16; 56.17; 56.18; 56.19; 56.20; 56.21; 56.22; 56.23; 56.24; 56.25; proposing new law coded in Minnesota Statutes, Chapter 56; repealing Minnesota Statutes 1980, Sections 56.15, Subdivision 2; and 56.26.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Engler	Langseth	Peterson,C.C.	Solon
Belanger	Frank	Lantry	Peterson,D.L.	Spear
Benson	Frederick	Lessard	Peterson,R.W.	Stern
Berglin	Frederickson	Lindgren	Petty	Stokowski
Bernhagen	Hanson	Luther	Pillsbury	Stumpf
Bertram	Hughes	Menning	Purfeerst	Taylor
Brataas	Humphrey	Merriam	Ramstad	Tennessen
Chmielewski	Johnson	Moe, D. M.	Renneke	Ulland
Dahl	Keefe	Moe, R. D.	Rued	Vega
Davies	Knoll	Nelson	Schmitz	Waldorf
Davis	Knutson	Olhoft	Setzepfandt	Willet
Dicklich	Kroening	Pehler	Sieloff	
Dieterich	Kronebusch	Penny	Sikorski	

So the bill passed and its title was agreed to.

S. F. No. 611: A bill for an act relating to motor vehicles; requiring certain owners of motorcycles to furnish evidence of security under the Minnesota no-fault automobile insurance act; amending Minnesota Statutes 1980, Section 65B.68, Subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 1, as follows:

Those who voted in the affirmative were:

Bang	Frank	Lantry	Petty	Stokowski
Belanger	Frederick	Lessard	Pillsbury	Stumpf
Benson	Frederickson	Lindgren	Purfeerst	Taylor
Berglin	Hanson	Luther	Ramstad	Tennessen
Bernhagen	Hughes	Menning	Renneke	Ulland
Bertram	Humphrey	Merriam	Rued	Vega
Brataas	Johnson	Moe, R. D.	Schmitz	Waldorf
Chmielewski	Keefe	Nelson	Setzepfandt	Willet
Dahl	Knoll	Olhoft	Sieloff	
Davies	Knutson	Pehler	Sikorski	
Davis	Kroening	Peterson,C.C.	Solon	
Dieterich	Kronebusch	Peterson,D.L.	Spear	
Engler	Langseth	Peterson,R.W.	Stern	

Mr. Penny voted in the negative.

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Sieloff in the chair.

After some time spent therein, the committee arose, and Mr. Sieloff reported that the committee had considered the following:

S. F. No. 22, which the committee reports progress, after the following motions:

Mr. Chmielewski moved to amend S. F. No. 22 as follows:

Page 1, after line 26, insert:

"Sec. 2. [171.182] [SUSPENSION; UNINSURED VEHICLES.]

Subdivision 1. [DEFINITION.] *For the purposes of sections 1 to 3 the term "judgment" means any judgment which shall have become final by expiration without appeal of the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state of the United States, upon a claim for relief arising out of ownership, maintenance, or use of any motor vehicle, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a claim for relief on an agreement of settlement for the damages.*

Subd. 2. [COPY OF JUDGMENT TO COMMISSIONER.] *When any person fails within 30 days to satisfy any judgment and failed to maintain at the time of the accident giving rise to the judgment the reparation security required by section 65B.48, it shall be the duty of the clerk of the court to forward to the commissioner immediately after the expiration of the 30 days, a certified copy of the judgment and affidavit of identification.*

If the judgment debtor named in any certified copy of a judgment reported to the commissioner is a nonresident, the commissioner shall transmit a certified copy of the judgment to the official in charge of the issuance of drivers licenses

of the state of which the judgment debtor is a resident. It shall be the duty of the clerk to ascertain the existence of the reparation security by examining the file and questioning the parties at or prior to entering judgment.

Subd. 3. [CONDITIONS.] *The commissioner, upon receipt of a certified copy of a judgment, shall forthwith suspend the license or any nonresident's operating privilege, of any person against whom judgment was rendered if:*

(a) At the time of the accident the person did not maintain the reparation security required by section 65B.48, and

(b) The judgment has not been satisfied.

Subd. 4. [DURATION.] *A license or nonresident's operating privilege shall remain suspended and shall not be renewed, nor shall any license be thereafter issued in the name of the person, including any person not previously licensed, unless and until every judgment is satisfied in full or to the extent hereinafter provided.*

Subd. 5. [BANKRUPTCY.] *A discharge in bankruptcy shall not relieve an individual from any of the requirements of this section.*

Sec. 3. [171.183] [SATISFACTION OF JUDGMENT.]

Subdivision 1. [REQUIREMENTS.] *Judgments herein referred to shall, for the purposes of sections 1 to 3, be deemed satisfied:*

(1) When $10,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident;

(2) When, subject to the limit of $10,000 because of bodily injury to or death of one person, the sum of $20,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or

(3) When $2,000 has been credited upon any judgment or judgments rendered in excess of that amount because of damage to or destruction of property of others as a result of any one accident.

Subd. 2. [OTHER PAYMENTS CREDITED.] *Payments made in settlement of any claims because of bodily injury, death or property damage arising from a motor vehicle accident shall be credited in reduction of the amounts provided for in this section.*

Sec. 4. [171.184] [INSTALLMENT PAYMENTS.]

Subdivision 1. [AUTHORIZATION.] *A judgment debtor upon due notice to the judgment creditor may apply to the court in which the judgment was rendered for the privilege of paying the judgment in instalments and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order and fix the amounts and times of payments of the instalments.*

Subd. 2. [STAY OF SUSPENSION.] *The commissioner shall not suspend a license or a nonresident's operating privilege when the judgment debtor gives proof of maintaining the reparation security required by section 65B.48 and obtains an order permitting the payment of the judgment in instalments, and while the payment of any installment is not in default.*

Subd. 3. [TERMINATION OF STAY.] *In the event the judgment debtor fails to pay any installment as specified by an order, then upon notice of default, the commissioner shall forthwith suspend the license, or nonresident's operating privilege, of the judgment debtor until the judgment is satisfied.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "requiring the suspension of licenses of certain uninsured persons; providing a penalty;"

Page 1, line 7, after "subdivision" insert "; proposing new law coded in Minnesota Statutes, Chapter 171"

The motion prevailed. So the amendment was adopted.

The question was taken on the recommendation to pass S. F. No. 22.

The roll was called, and there were yeas 26 and nays 27, as follows:

Those who voted in the affirmative were:

Bang	Frederick	Nelson	Petty	Stumpf
Belanger	Johnson	Olhoft	Pillsbury	Tennessen
Chmielewski	Keefe	Pehler	Setzepfandt	
Davies	Knoll	Penny	Sieloff	
Davis	Knutson	Peterson,C.C.	Solon	
Dicklich	Merriam	Peterson,R.W.	Spear	

Those who voted in the negative were:

Benson	Frederickson	Lindgren	Ramstad	Ulland
Berglin	Hughes	Luther	Rued	Waldorf
Bernhagen	Kroening	Menning	Sikorski	Willet
Bertram	Kronebusch	Moe, D. M.	Stern	
Dahl	Langseth	Moe, R. D.	Stokowski	
Frank	Lantry	Peterson,D.L.	Taylor	

The motion did not prevail. S. F. No. 22 was then progressed.

S. F. No. 356, which the committee recommends to pass with the following amendments offered by Messrs. Johnson and Olhoft:

Mr. Johnson moved to amend S.F. No. 356 as follows:

Page 9, line 33, after "for" insert "*(A) the value of property exempted from taxation pursuant to section 1, and (B)*"

Page 9, lines 34 to 36, delete the new language

The motion prevailed. So the amendment was adopted.

Mr. Olhoft moved to amend S. F. No. 356 as follows:

Page 2, line 12, after "*finding*" insert "*that it is necessary to provide the exemption to the new business facility in order to avoid location of the business in another state and*"

The motion prevailed. So the amendment was adopted.

The question was taken on the recommendation to pass S. F. No. 356.

The roll was called, and there were yeas 37 and nays 19, as follows:

Those who voted in the affirmative were:

Bang	Frederick	Lessard	Peterson, C.C.	Sikorski
Benson	Frederickson	Lindgren	Peterson, D.L.	Stern
Bernhagen	Hanson	Menning	Petty	Taylor
Bertram	Johnson	Moe, R.D.	Pillsbury	Ulland
Brataas	Knoll	Nelson	Ramstad	Willet
Chmielewski	Kronebusch	Olhoft	Renneke	
Davis	Langseth	Pehler	Rued	
Engler	Lantry	Penny	Setzepfandt	

Those who voted in the negative were:

Belanger	Dicklich	Knutson	Peterson, R.W.	Stumpf
Berglin	Dieterich	Kroening	Sieloff	Vega
Dahl	Frank	Luther	Spear	Waldorf
Davies	Hughes	Merriam	Stokowski	

The motion prevailed.

H. F. No. 117, which the committee recommends to pass, after the following motions:

Mr. Ulland moved to amend H.F. No. 117, as amended pursuant to Rule 49, adopted by the Senate March 19, 1981, as follows:

(The text of the amended House File is identical to S.F. No. 324.)

Page 3, line 19, after "cash" insert ", *except for that portion of general assistance grants for payment of rent which shall be in the form of vouchers or vendor payments*"

Amend the title as follows:

Page 1, line 13, before the semicolon, insert "and thereafter for rental payments"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 29 and nays 32, as follows:

Those who voted in the affirmative were:

Bang	Engler	Lindgren	Renneke	Willet
Belanger	Frederick	Menning	Rued	
Benson	Frederickson	Olhoft	Setzepfandt	
Berg	Keefe	Penny	Sieloff	
Bernhagen	Knutson	Peterson,D.L.	Taylor	
Bertram	Kronebusch	Pillsbury	Ulland	
Brataas	Lessard	Ramstad	Waldorf	

Those who voted in the negative were:

Berglin	Hanson	Luther	Peterson,R.W.	Stokowski
Dahl	Hughes	Merriam	Petty	Stumpf
Davies	Humphrey	Moe, D. M.	Purfeerst	Tennessen
Davis	Johnson	Moe, R. D.	Sikorski	Vega
Dicklich	Knoll	Nelson	Solon	
Dieterich	Kroening	Pehler	Spear	
Frank	Lantry	Peterson,C.C.	Stern	

The motion did not prevail. So the amendment was not adopted.

Mr. Ulland then moved to amend H.F. No. 117, as amended pursuant to Rule 49, adopted by the Senate March 19, 1981, as follows:

(The text of the amended House File is identical to S.F. No. 324.)

Page 2, line 12, after "*that*" insert "*the applicant makes written application for*" and delete "*is first*"

Page 2, delete line 13

Page 2, line 14, delete "*requesting*" and insert "*may request emergency*" and after "*assistance*" insert "*if the applicant*"

Page 2, line 17, delete "*A*" and insert "*If the local agency determines that the*" and after "*person*" insert "*is*" and after "*assistance*" insert ", *the local agency*"

Page 2, line 18, delete "*be granted*" and insert "*grant*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 28 and nays 31, as follows:

Those who voted in the affirmative were:

Bang	Chmielewski	Kronebusch	Penny	Rued
Belanger	Dahl	Lessard	Peterson,D.L.	Sieloff
Benson	Engler	Lindgren	Pillsbury	Taylor
Berg	Frederickson	Menning	Purfeerst	Ulland
Bernhagen	Keefe	Merriam	Ramstad	
Bertram	Knutson	Olhoft	Renneke	

Those who voted in the negative were:

Berglin	Hughes	Moe, D. M.	Sikorski	Vega
Davies	Humphrey	Moe, R. D.	Solon	Waldorf
Davis	Johnson	Nelson	Spear	Willet
Dicklich	Knoll	Pehler	Stern	
Dieterich	Kroening	Peterson,C.C.	Stokowski	
Frank	Lantry	Petty	Stumpf	
Hanson	Luther	Setzepfandt	Tennessen	

The motion did not prevail. So the amendment was not adopted.

On motion of Mr. Sieloff, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Mr. Chmielewski moved that S. F. No. 1101 be withdrawn from the Committee on Governmental Operations and re-referred to the Committee on Rules and Administration. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Humphrey, Stumpf and Wegener introduced—

S.F. No. 1193: A bill for an act relating to the city of Crystal; providing for the designation of polling places in a certain precinct.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Frederick, Chmielewski, Wegener, Rued and Berg introduced—

S.F. No. 1194: A bill for an act relating to taxation; property tax refund; excluding from eligibility certain residents of institutions; amending Minnesota Statutes 1980, Section 290A.03, Subdivision 8.

Referred to the Committee on Taxes and Tax Laws.

Mr. Waldorf introduced—

S.F. No. 1195: A bill for an act relating to crimes; deleting obsolete terminology and substituting new terminology consistent with other laws; amending Minnesota Statutes 1980, Sections 192A.605; 241.51, Subdivision 2; 609.11, Subdivision 1; 624.712, Subdivision 5; and 626A.05, Subdivision 2.

Referred to the Committee on Judiciary.

Mr. Wegener introduced—

S.F. No. 1196: A bill for an act relating to highways; modifying restrictions on the loading of vehicles driven on the highways; amending Minnesota Statutes 1980, Section 169.81, Subdivision 5.

Referred to the Committee on Transportation.

Mr. Hughes introduced—

S.F. No. 1197: A bill for an act relating to state government; clarifying fee adjustments and minimum deposits with the state treasurer; facilitating the general fund's receipt of amounts from canceled warrants; modifying provisions relative to the state's issuance of certificates of indebtedness; appropriating money for the payment of certificates, interest thereon and other expenses; authorizing a state property tax under certain conditions; amending Minnesota Statutes 1980, Sections 16A.128 and 16A.275; proposing new law coded in Minnesota Statutes, Chapter 16; repealing Minnesota Statutes 1980, Sections 16A.67; 16A.75 to 16A.754; 268.15, Subdivision 4; 352.04, Subdivision 10; 352B.061; and 354.61.

Referred to the Committee on Governmental Operations.

Mr. Pehler introduced—

S.F. No. 1198: A bill for an act relating to public welfare; requiring medical assistance recipients to enroll in a prepaid health care plan or co-pay for optional services; amending Minnesota Statutes 1980, Section 256B.02, Subdivision 8.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Langseth introduced—

S.F. No. 1199: A bill for an act relating to game and fish; restricting commercial fishing on Lake of the Woods and Rainy Lake to rough fish only; amending Minnesota Statutes 1980, Section 102.26, Subdivisions 1 and 3.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Ulland and Solon introduced—

S.F. No. 1200: A bill for an act relating to St. Louis county; establishing a law library.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Langseth introduced—

S.F. No. 1201: A bill for an act relating to crimes; providing for distribution of proceeds from sale of forfeited property; amending Minnesota Statutes 1980, Section 152.19, Subdivision 5.

Referred to the Committee on Judiciary.

Messrs. Humphrey, Bernhagen, Berg, Johnson and Solon introduced—

S.F. No. 1202: A bill for an act relating to taxation; providing an income tax credit for electric heating equipment designed or equipped to function in accordance with a utility controlled monitoring device; amending Minnesota Statutes 1980, Section 290.06, by adding a subdivision.

Referred to the Committee on Energy and Housing.

Messrs. Menning, Setzepfandt, Bernhagen and Renneke introduced—

S.F. No. 1203: A bill for an act relating to occupations and professions; expanding the definition of a class B master electrician to encompass specified work done in commercial and family dwellings in certain towns and municipalities; amending Minnesota Statutes 1980, Section 326.01, Subdivision 6.

Referred to the Committee on Governmental Operations.

Mr. Merriam introduced—

S.F. No. 1204: A bill for an act relating to the city of Blaine; permitting all council members to serve on the housing and redevelopment authority.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Kroening introduced—

S.F. No. 1205: A bill for an act relating to taxation; real property; allowing property used by certain disabled veterans to qualify for 3cc classification; amending Minnesota Statutes 1980, Section 273.13, Subdivision 7.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Bang, Keefe, Johnson, Setzepfandt and Rued introduced—

S.F. No. 1206: A bill for an act relating to public safety; authorizing the sale to and use by engineers of fireworks; amending Minnesota Statutes 1980, Section 624.21.

Referred to the Committee on General Legislation and Administrative Rules.

Messrs. Stern, Tennessen, Petty, Bang and Sikorski introduced—

S.F. No. 1207: A bill for an act relating to intoxicating liquor; providing an

exemption for franchise fees; amending Minnesota Statutes 1980, Section 340.13, Subdivision 3.

Referred to the Committee on Commerce.

Mrs. Brataas, Messrs. Frederick, Ramstad and Nichols introduced—

S.F. No. 1208: A bill for an act relating to workers' compensation; patterning the law after the law of Wisconsin; generally changing all facets of the workers' compensation law; amending Minnesota Statutes 1980, Sections 10.30; 43.12, Subdivision 18; 60B.26, Subdivision 1; 60B.39, Subdivision 5; 60C.02, Subdivision 1; 62A.22; 70A.02, Subdivision 2; 84.089, Subdivision 3; 175.006; 175.07; 175.08; 175.10; 175.101; 175.11, Subdivision 1; 175.14; 175.17; 181.80; 251.043, Subdivision 3; 256.482, Subdivision 5; 257.34, Subdivision 1; 393.07, Subdivision 7; proposing new law coded in Minnesota Statutes, Chapter 175; proposing new law coded as Minnesota Statutes, Chapters 79A and 176A; repealing Minnesota Statutes 1980, Sections 175.0061; 175.007; and 175.09 and Chapters 79 and 176.

Referred to the Committee on Employment.

Messrs. Ramstad, Keefe, Merriam, Lessard and Peterson, D.L. introduced—

S.F. No. 1209: A bill for an act relating to crimes; defining terms for purposes of arson laws; establishing mandatory minimum prison sentences for arson in the first degree and arson in the second degree; increasing penalties for certain negligent fires; prohibiting removal or concealment of property to defraud an insurer; prohibiting submission of false insurance claims; amending Minnesota Statutes 1980, Sections 609.556, by adding subdivisions; 609.561; 609.562; 609.576; 609.611; and 609.645.

Referred to the Committee on Judiciary.

Messrs. Taylor, Merriam, Lindgren, Frank and Ramstad introduced—

S.F. No. 1210: A bill for an act relating to elected public officials; limiting certain per diem payments; proposing new law coded in Minnesota Statutes, Chapter 16.

Referred to the Committee on Governmental Operations.

Mrs. Brataas, Messrs. Davies, Nelson, Merriam and Bernhagen introduced—

S.F. No. 1211: A bill for an act relating to courts; permitting the use of electronic recording equipment in certain court proceedings; amending Minnesota Statutes 1980, Sections 486.02; and 486.03; proposing new law coded in Minnesota Statutes, Chapter 484.

Referred to the Committee on Judiciary.

Messrs. Davis; Pehler; Stern; Peterson, R.W. and Mrs. Kronebusch introduced—

S.F. No. 1212: A bill for an act relating to municipalities; discontinuance of

unprofitable municipal liquor stores; restricting expenditure of public funds for liquor store operation; publication of operating statement; amending Minnesota Statutes 1980, Section 340.353, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapters 426 and 471.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Sikorski introduced—

S.F. No. 1213: A bill for an act relating to metropolitan government; providing for metropolitan transportation planning; altering the decision making process to be consistent with federal guidelines for setting the priority of projects using certain federal funds; amending Minnesota Statutes 1980, Section 473.146, Subdivision 4.

Referred to the Committee on Transportation.

Messrs. Waldorf and Spear introduced—

S.F. No. 1214: A bill for an act relating to adoption; providing for record retention; providing for services by adoption agencies; proposing new law coded in Minnesota Statutes, Chapter 259.

Referred to the Committee on Judiciary.

Messrs. Johnson, Humphrey, Pehler, Knoll and Dicklich introduced—

S.F. No. 1215: A bill for an act relating to public utilities; prohibiting rate increases under bond by certain electric utilities with excess generating capacities; amending Minnesota Statutes 1980, Section 216B.16, Subdivision 3, and by adding a subdivision.

Referred to the Committee on Commerce.

Messrs. Johnson, Humphrey, Pehler, Knoll and Dicklich introduced—

S.F. No. 1216: A bill for an act relating to public utilities; exclusion of excess generating capacity from an electric utilities rate base; amending Minnesota Statutes 1980, Section 216B.16, by adding a subdivision.

Referred to the Committee on Commerce.

Mr. Dieterich introduced—

S.F. No. 1217: A bill for an act relating to education; imposing affirmative action duties on school districts and the state board of education; providing a penalty for school districts which fail to fulfill the duties; authorizing a program of grants for certain administrative interns; appropriating money; amending Minnesota Statutes 1980, Sections 124.15, Subdivision 2; 125.12, Subdivision 6b; proposing new law coded in Minnesota Statutes, Chapter 123.

Referred to the Committee on Education.

Mr. Luther introduced—

S.F. No. 1218: A bill for an act relating to the environment; providing

approval authority for critical areas only to the legislature; providing plan and regulation approval authority to the state planning agency; permanently designating the Mississippi River Corridor Critical Area; amending Minnesota Statutes 1980, Sections 116G.03, by adding a subdivision; 116G.04; 116G.06; 116G.07; 116G.08; 116G.09, Subdivisions 1, 3, and 4; 116G.10; 116G.12, Subdivision 4; and 116G.14; proposing new law coded in Minnesota Statutes, Chapter 116G; repealing Minnesota Statutes 1980, Section 116G.09, Subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Davis; Chmielewski; Peterson, R.W.; Peterson, D.L. and Setzepfandt introduced—

S.F. No. 1219: A bill for an act relating to the environment; requiring notice of intent to develop uranium; creating an advisory committee; requiring adoption of a state policy; appropriating money; imposing a penalty; proposing new law coded in Minnesota Statutes, Chapter 116C.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Dahl, Mmes. Lantry and Stokowski introduced—

S.F. No. 1220: A bill for an act relating to limitation of actions; providing a five year statute of limitations for criminal sexual offenses; tolling the statute of limitations for victims of criminal sexual conduct; amending Minnesota Statutes 1980, Section 628.26.

Referred to the Committee on Judiciary.

Messrs. Luther and Humphrey introduced—

S.F. No. 1221: A bill for an act relating to the city of Brooklyn Center; authorizing the establishment of a home energy conservation program as part of its municipal utility system and the issuance of bonds or notes for that purpose.

Referred to the Committee on Energy and Housing.

Mr. Pillsbury introduced—

S.F. No. 1222: A bill for an act relating to elections; requiring loan repayments in an election year to be counted against certain contribution and approved expenditure limits; amending Minnesota Statutes 1980, Section 10A.32, Subdivision 3.

Referred to the Committee on Elections and Reapportionment.

Messrs. Pehler and Knutson introduced—

S.F. No. 1223: A bill for an act relating to water well contractors; altering the exemption from license requirements for certain registered professional engineers; amending Minnesota Statutes 1980, Section 156A.03, Subdivision 3.

Referred to the Committee on Governmental Operations.

Mr. Dahl introduced—

S.F. No. 1224: A bill for an act relating to taxation; increasing the amount of adoption expenses deductible for income tax purposes; amending Minnesota Statutes 1980, Section 290.09, Subdivision 27.

Referred to the Committee on Taxes and Tax Laws.

Mr. Vega introduced—

S.F. No. 1225: A bill for an act relating to workers' compensation; permitting political subdivisions to provide additional benefits; amending Minnesota Statutes 1980, Section 176.021, Subdivision 5.

Referred to the Committee on Employment.

Mr. Peterson, C.C. introduced—

S.F. No. 1226: A bill for an act relating to courts; extending application of the provision of law providing for payment of travel expenses for certain district court judges; amending Laws 1980, Chapter 614, Section 162.

Referred to the Committee on Judiciary.

Mr. Luther introduced—

S.F. No. 1227: A bill for an act relating to financial institutions; providing that no employee, officer, director, or shareholder of a banking institution, or corporation, partnership, association in which these persons have an interest, may retain income from the sale of credit life, accident and health insurance in connection with any loan made by the banking institution; providing that the income must be turned over to the banking institution; proposing new law coded in Minnesota Statutes, Chapter 48.

Referred to the Committee on Commerce.

Messrs. Pehler, Dicklich and Davis introduced—

S.F. No. 1228: A bill for an act relating to cities; authorizing city rehablitation loan programs for small and medium sized commercial buildings; and providing for the issuance of revenue bonds to finance the programs; proposing new law coded in Minnesota Statutes, Chapter 459.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Peterson, C.C.; Lessard; Wegener; Willet and Johnson introduced—

S.F. No. 1229: A bill for an act relating to game and fish; setting forth a model city trapping ordinance; restricting further prohibitions; providing for imposition of a penalty; proposing new law coded in Minnesota Statutes, Chapter 100.

Referred to the Committee on Agriculture and Natural Resources.

Mrs. Lantry, Messrs. Waldorf and Stumpf introduced—

S.F. No. 1230: A bill for an act relating to the city of St. Paul; authorizing issuance of general obligation bonds for capital improvements; fixing amounts; amending Laws 1971, Chapter 773, Section 1, as amended.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Petty and Pillsbury introduced—

S.F. No. 1231: A bill for an act relating to waters; exempting certain watercraft from requirements related to personal flotation devices; amending Minnesota Statutes 1980, Section 361.141, Subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

RECESS

Mr. Moe, R. D. moved that the Senate do now recess until 5:00 p.m. The motion prevailed.

The hour of 5:00 p.m. having arrived, the President called the Senate to order.

RECESS

Mr. Davies announced that the Senate will be in recess subject to the call of the President.

After a brief recess, the President called the Senate to order.

Without objection, the Senate reverted to the Order of Business of Messages from the House.

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. 52.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 6, 1981

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 247, and repassed said bill in accordance with the report of the Committee, so adopted.

S. F. No. 247: A bill for an act relating to metropolitan government; providing for the maximum amount of the borrowing authorization of the metropolitan airports commission; requiring the installation of certain equipment;

mandating a noise abatement plan; amending Minnesota Statutes 1980, Sections 473.608, Subdivision 20, and by adding a subdivision; and 473.667, Subdivision 2.

S. F. No. 247 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 6, 1981

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 147, 876, 918, 1075, 131, 409, 575, 1083, 347, 353, 595 and 604.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 6, 1981

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 519, 579, 624, 634, 739, 615 and 617.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 6, 1981

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H. F. No. 147: A bill for an act relating to courts; authorizing the supreme court to adopt a uniform fee schedule for civil actions; proposing new law coded in Minnesota Statutes, Chapter 480.

Referred to the Committee on Judiciary.

H. F. No. 876: A bill for an act relating to employment; authorizing the commissioner of economic security to make certain summer youth employment advances; amending Minnesota Statutes 1980, Section 268.34.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 581, now on General Orders.

H. F. No. 918: A bill for an act relating to cooperatives; procedure for elections by members or shareholders of cooperative electric associations on public utilities commission regulation; amending Minnesota Statutes 1980, Section 216B.02, Subdivision 4; proposing new law coded in Minnesota Statutes, Chapter 216B.

Referred to the Committee on Commerce.

H. F. No. 1075: A bill for an act relating to social and charitable organizations; increasing the threshold dollar amount required for the use of a certified financial statement; determining what is properly included in cost of goods or services; amending Minnesota Statutes 1980, Sections 309.53, Subdivision 3; and 309.555, Subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 991.

H. F. No. 131: A bill for an act relating to crimes; authorizing the release of account information to law enforcement authorities investigating the issuance of worthless checks; authorizing the issuance of account information to payee or holders when a check has been dishonored; amending Minnesota Statutes 1980, Section 609.535, by adding subdivisions.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 154, now on General Orders.

H. F. No. 409: A bill for an act relating to agriculture; requiring department of agriculture approval and receipt of certain grain storage receipts; regulating the family farm security program; changing terms of members of the family farm advisory council; regulating denaturing of certain food; identifying fur pelts; amending Minnesota Statutes 1980, Sections 17.35, Subdivision 7; 31.095; 41.52, Subdivisions 5, 8 and 9; 41.54, Subdivision 2; 41.56, Subdivisions 1, 2 and 4; 41.58, Subdivision 2; 232.06, Subdivision 1; 233.03; 234.02; 236.03; and 290.08, Subdivision 24; repealing Minnesota Statutes 1980, Section 29.091.

Referred to the Committee on Taxes and Tax Laws.

H. F. No. 575: A bill for an act relating to intoxicating liquor; authorizing cities to permit on-sale of liquor at publicly owned sports or convention facilities by existing licensees; amending Minnesota Statutes 1980, Section 340.11, by adding a subdivision.

Referred to the Committee on Commerce.

H. F. No. 1083: A bill for an act relating to charitable trusts; transferring responsibility of keeping certain records; amending Minnesota Statutes 1980, Sections 501.75; 501.76; 501.77; and 501.78, Subdivision 4.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 990, now on the Consent Calendar.

H. F. No. 347: A bill for an act relating to the cities of St. Paul and Minneapolis; exempting a certain joint housing bonding program from the provisions of Minnesota Statutes, Section 462C.07, Subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 523.

H. F. No. 353: A bill for an act relating to agriculture; protecting agricultural operations from nuisance suits under certain circumstances; proposing new law coded in Minnesota Statutes, Chapter 561.

Referred to the Committee on Agriculture and Natural Resources.

H. F. No. 595: A bill for an act relating to the state building code, authorizing stricter fire prevention standards in certain municipalities; proposing new law coded in Minnesota Statutes, Chapter 16.

Referred to the Committee on Governmental Operations.

H. F. No. 604: A bill for an act relating to elections; changing eligibility requirements and compensation for election judges; authorizing time off from

work for election judges; amending Minnesota Statutes 1980, Sections 204A.18; and 204A.23.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 791, now on General Orders.

H. F. No. 519: A bill for an act relating to individual housing accounts; providing for the subtraction from federal adjusted gross income of certain contributions to and interest earned on individual housing accounts; repealing the deduction for individual housing account contributions and interest; clarifying various provisions relating to individual housing accounts; amending Minnesota Statutes 1980, Sections 48.159, Subdivision 2; 50.157, Subdivision 2; 51A.21, Subdivision 16a; 52.136; 290.01, Subdivision 20; 290.08, by adding a subdivision; and 290.17, Subdivision 2; repealing Minnesota Statutes 1980, Section 290.09, Subdivision 30.

Referred to the Committee on Energy and Housing.

H. F. No. 579: A bill for an act relating to financial institutions; allowing new mortgage instruments; modifying rate restrictions on certain loans; providing a maximum late charge on certain loans; amending Minnesota Statutes 1980, Section 47.20, Subdivisions 1, 2, 4, 4a, 6, 12 and by adding subdivisions.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 517.

H. F. No. 624: A bill for an act relating to corrections; clarifying the transfer of correctional inmates to medical facilities; providing for tuberculosis testing for correctional employees; clarifying unclaimed property of correctional inmates, and diversified labor accounts; changing terminology of correctional facilities; harmonizing furlough provisions; prescribing the time for counties to submit estimates for reimbursement for probation services; prescribing a penalty; amending Minnesota Statutes 1980, Sections 241.07; 241.09; 241.14; 241.22; 241.64, Subdivisions 1 and 2; 242.20; 242.22; 242.43; 242.44; 242.45; 242.47; 242.48; 243.05; 243.20; 243.211; 243.465; 243.57; 243.58; 243.64; 244.07, Subdivision 1; 260.311, Subdivision 5; repealing Minnesota Statutes 1980, Sections 241.01, Subdivision 8; 241.15; 242.23; 242.24; 242.375; 242.52; 242.53; 243.06; 243.22; 243.25; 243.26; and 243.78.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 509, now on General Orders.

H. F. No. 634: A bill for an act relating to securities; providing for improved regulation of the sale of securities and the licensing of broker-dealers, agents, and investment advisers; making miscellaneous clarifications and revisions; amending Minnesota Statutes 1980, Sections 80A.04, Subdivision 4; 80A.05, Subdivision 1; 80A.07, Subdivision 1; 80A.12, Subdivision 3; 80A.14; 80A.15, Subdivisions 1 and 2; 80A.16; 80A.21, Subdivision 1; 80A.28, Subdivisions 1, 2, 3, 4 and 7, and by adding a subdivision; 80A.30, Subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 529, now on General Orders.

H. F. No. 739: A bill for an act relating to local government; regulating the tax levy of the joint recreation and park board of the city of Hibbing and

Independent School District 701; amending Laws 1971, Chapter 573, Section 2.

Referred to the Committee on Taxes and Tax Laws.

H. F. No. 615: A bill for an act relating to corrections; providing for the transfer of convicted offenders under certain circumstances; proposing new law coded in Minnesota Statutes, Chapter 243.

Referred to the Committee on Judiciary.

H. F. No. 617: A resolution memorializing the President, Congress, and the United States Postal Service of Minnesota's opposition to the nine digit zip code.

Referred to the Committee on General Legislation and Administrative Rules.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report on House Concurrent Resolution No. 2. The motion prevailed.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 475: A bill for an act relating to courts; permitting all judicial districts except Hennepin county to set salaries of law clerks; clarifying employment status in every judicial district to be unclassified and without tenure; amending Minnesota Statutes 1980, Section 484.545, Subdivision 2, and by adding a subdivision.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 718: A bill for an act relating to marriage; making the age of consent requirements for boys the same as for girls; amending Minnesota Statutes 1980, Section 517.02.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 535: A bill for an act relating to corporations; providing for the issuance of stock in a professional corporation to a professional corporation performing the same kind of service; providing for the transfer of stock to a professional corporation; amending Minnesota Statutes 1980, Section 319A.11.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 16, after "render" insert "*or partnerships*"

Page 1, line 16, delete "*a*"

Page 1, line 17, delete "*corporation*" and insert " *corporations*"

Page 1, line 18, after "person" insert ", *partnership*"

Page 1, line 20, after "person" insert ", *partnership*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 707: A bill for an act relating to family; providing for solemnization of marriages by certain court officers; amending Minnesota Statutes 1980, Section 517.04.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, lines 11 and 12, delete the new language and insert "*a former court commissioner so long as he continues to be employed by the court system,*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 476: A bill for an act relating to crimes; providing the court with discretion to require a presentence investigation in the case of felony convictions; amending Minnesota Statutes 1980, Section 609.115, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 22, insert:

"*When a defendant has been convicted of a felony, and before sentencing, the court shall cause a sentencing worksheet to be completed to facilitate the application of the Minnesota sentencing guidelines. If a presentence investigation is ordered by the court, the worksheet shall be submitted as part of the presentence investigation report. If a presentence investigation is not ordered by the court, the worksheet shall nonetheless be submitted.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 574: A bill for an act relating to judicial procedures; changing certain provisions relating to guardianship and conservatorship; amending Minnesota Statutes 1980, Sections 525.539, Subdivision 3; 525.54; 525.541; 525.542; 525.543; 525.55; 525.551; 525.5515; 525.56, Subdivisions 3 and 4; 525.58; 525.591, Subdivisions 2 and 3; 525.618, Subdivision 1; 525.6185; 525.619; 525.6192; 525.6196; 525.6198; 525.62; 525.67; 525.69; and 525.703.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 16, reinstate "some, but not all,"

Page 1, line 17, delete "*such*"

Page 1, line 17, delete "*as the court directs*"

Page 1, after line 18, insert:

"Sec. 2. Minnesota Statutes 1980, Section 525.539, is amended by adding a subdivision to read:

Subd. 6. [VISITOR.] *"Visitor" means a person who is trained in law, health care, or social work and is an officer, employee, or special appointee of the court with no personal interest in the proceedings.*"

Page 2, line 6, strike "by reason of mental"

Page 2, line 6, delete "*illness, mental deficiency,*"

Page 2, delete line 7

Page 2, line 8, delete "*drugs or intoxication, or other cause*"

Page 2, line 11, strike "evidences" and insert "*evidence*"

Page 2, line 23, strike the second "that" and insert "*the*"

Page 2, line 26, strike "wasted or"

Page 2, line 30, delete "*or desirable*"

Page 2, line 34, strike "by reason of mental"

Page 2, line 34, delete "*illness, mental*"

Page 2, delete line 35

Page 2, line 36, delete "*chronic use of drugs or intoxication, or other cause*"

Page 3, line 4, strike "evidences" and insert "*evidence*"

Page 3, line 8, strike "APPOINTMENT AS EVIDENCE OF CAPACITY" and insert "*VOTING*"

Page 3, line 10, after the stricken "person." insert "*The appointment of a conservator shall not deprive the conservatee of the right to vote, unless the right is restricted by court order.*"

Page 3, line 11, reinstate "Subd. 5." and insert "[COMPETENCY.]"

Page 3, lines 15 to 17, strike the old language and delete the new language and insert "*Appointment of a guardian is evidence of the incompetency of the incapacitated person. Appointment of a conservator is not evidence of incompetency.*"

Page 3, line 18, delete "*5*" and reinstate "6"

Page 3, line 22, delete "*6*" and insert "*7*"

Page 3, line 23, after "*proceeding*" insert "*under section 525.551*"

Page 3, line 23, delete "*as*" and insert "*for the appointment of a guardian or conservator*"

Page 3, delete line 24

Page 3, line 25, delete "*of a person*"

Page 3, line 25, delete "*without*" and insert "*instead of*"

Page 4, line 27, before "The" insert "*Subdivision 1.* [INFORMATION.]"

Page 4, line 29, after the second "his" insert "*living*"

Page 4, line 30, delete "*, if they are living*"

Page 4, line 30, strike "and siblings" and insert "*brothers and sisters*"

Page 4, line 33, strike "reasons" and insert "*grounds*"

Page 5, line 12, delete "*, (9)*" and insert ".

Subd. 2. [BILL OF PARTICULARS.]"

Page 5, line 12, delete "*, which*"

Page 5, line 15, after "*ward*" insert "*or conservatee*"

Page 5, line 15, delete "*, and in any event shall be*" and insert "*or prior to the hearing, whichever is sooner*"

Page 5, delete line 16

Page 5, line 17, delete "*hearing on the petition*"

Page 6, line 16, strike "siblings" and insert "*brothers and sisters*"

Page 6, line 22, after "thereof" insert "*and to the patient or resident*"

Page 7, line 18, delete "*A "visitor" is a person who*"

Page 7, delete lines 19 to 21

Page 7, lines 32 and 33, strike "letter" and insert "*written statement*"

Page 8, line 4, after "*525.55*" insert "*and the proposed ward or conservatee has waived the right to attend the hearing*"

Page 8, line 28, after the colon, insert "*(a) that the requirements for the voluntary appointment of a conservator or guardian have been met, or (b)*"

Page 8, line 36, after "*525.56,*" insert "*subdivision 3,*"

Page 8, line 36, after "*guardian*" insert "*of the person, and section 525.56, subdivision 4, in the case of a guardian of the estate*"

Page 9, line 1, strike "Before"

Page 9, line 2, strike "appointing a guardian or conservator" and insert "*Except as provided in section 525.544*"

Page 9, line 6, before the period, insert "*before making the appointment*"

Page 9, line 10, delete "*for*" and insert "*by*"

Page 9, line 21, after "person" insert "*or by the court on its own motion*"

Page 9, line 29, after "a" insert "*guardian,*"

Page 9, line 29, after "successor" insert "*guardian or*"

Page 9, line 30, after "the" insert "*ward or*"

Page 10, line 8, delete "*and*"

Page 10, line 8, after "(c)" insert "*whether it is of the estate or of the person or both; and*"

Page 10, line 9, reinstate "(d)"

Page 10, line 27, strike "of"

Page 10, line 32, reinstate the stricken language and delete "*or*"

Page 11, line 13, reinstate the stricken language

Page 11, reinstate line 14

Page 11, line 14, strike "has the duty to" and insert "*should*"

Page 11, reinstate lines 15 to 17

Page 11, line 17, after the period, insert "*Failure to satisfy the needs and requirements of this clause shall be grounds for removal, but the guardian or conservator shall have no personal or monetary liability.*"

Page 12, line 6, after "guardian" insert "*or conservator*"

Page 12, lines 7 and 8, after "ward" insert "*or conservatee*"

Page 13, delete lines 10 to 12

Page 13, line 17, strike "of"

Page 13, line 22, reinstate the stricken language and delete "*or*"

Page 14, line 1, delete "*, but shall have no personal liability for*"

Page 14, line 2, delete "*failure to do so*" and insert "*. Failure to satisfy the needs and requirements of this clause shall be grounds for removal, but the guardian or conservator shall have no personal or monetary liability*"

Page 14, line 25, before "A" insert "*The standard of a fiduciary shall be applicable to all investments by a guardian or conservator.*"

Page 15, line 8, delete the new language and insert "*except where expressly waived by the court after a finding that the ward or conservatee is so incapacitated as to be unable to understand the account or there is a serious likelihood of harm to the ward or conservatee*"

Page 15, delete line 9

Page 15, line 10, delete "*detrimental to the ward*"

Page 15, line 35, delete "*notice would be detrimental*" and insert "*or there is a serious likelihood of harm to the ward or conservatee*"

Page 15, line 36, delete the new language

Page 16, line 13, delete "*of the estate*"

Page 16, line 14, strike "a copy of the annual account"

Page 16, line 15, strike "and"

Page 16, line 16, before the period, insert "*and every guardian or conservator of an estate shall file an affidavit stating that a copy of the annual account has been given to the ward or conservatee*"

Page 16, line 20, delete "*or without*"

Page 16, line 24, delete "*, when required,*"

Page 17, line 19, strike "siblings" and insert "*brothers and sisters*"

Page 21, delete line 6

Page 21, line 7, delete "*it is directed by the court*" and insert "*except that the court may waive the requirement that the annual account be served on the ward*"

Page 21, line 17, after "*for*" insert "*one or*"

Page 21, line 17, delete "*than three*"

Page 22, line 5, strike "with"

Page 22, line 5, delete "*or*"

Page 22, line 5, after "*without*" insert "*further*"

Page 22, line 5, strike "as"

Page 22, strike line 6

Page 22, line 7, strike "required"

Page 22, line 31, delete the comma and insert "*or*"

Page 22, line 32, delete "*or social worker*"

Page 23, line 2, after the period, insert "*When the court determines that other necessary services have been provided for the benefit of the ward or conservatee, the court may order reasonable fees to be paid from the estate of the ward or conservatee or from the county having jurisdiction over the proceedings if the ward or conservatee is indigent.*"

Page 23, delete lines 3 to 6 and insert "*the court determines that a petitioner, guardian or conservator has not acted in good faith, the court shall order some or all of the fees or costs incurred in the proceedings to be borne by those not acting in good faith.*

Sec. 25. [525.705] [PRE-EXISTING GUARDIANSHIPS AND CONSERVATORSHIPS.]

All guardians and conservators serving prior to August 1, 1981, shall have all powers and duties of section 525.56, subdivision 3, as to the person and section 525.56, subdivision 4, as to the estate until those powers or duties are restricted or changed by court order.

Sec. 26. [REPEALER.]

Minnesota Statutes 1980, Section 525.504, is repealed."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after "3" insert ", and by adding a subdivision"

Page 1, line 10, before the period, insert "; proposing new law coded in Minnesota Statutes, Chapter 525; repealing Minnesota Statutes 1980, Section 525.504"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Knoll from the Committee on Governmental Operations, to which was referred

S. F. No. 822: A bill for an act relating to occupations and professions;

providing for oral examinations of electricians by the board of electricity; amending Minnesota Statutes 1980, Section 326.242, Subdivision 7.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 17, delete "*learning*" and insert "*reading*"

Page 1, line 18, delete "*learning*" and insert "*specific reading*" and delete "*or other*"

Page 1, line 19, delete "*handicap*"

Page 1, line 20, after the period insert "*The oral examination shall be structured so that an applicant who passes the examination will not impair the safety of himself or others while acting as an electrician.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Knoll from the Committee on Governmental Operations, to which was referred

S. F. No. 964: A bill for an act relating to human rights; requiring certain state contractors to have affirmative action plans approved by the commissioner of human rights; amending Minnesota Statutes 1980, Section 363.073; proposing new law coded in Minnesota Statutes, Chapter 363.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 20, after "*more*" insert "*full time*" and after "*Minnesota*" insert "*at any time during the previous 12 months,*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government and Urban Affairs, to which was referred

S. F. No. 982: A bill for an act relating to the city of St. Cloud; authorizing the improvement and operation of the city-owned Mississippi River dam to provide for generation and transmission of hydroelectric power, and the issuance of revenue bonds to finance the project.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 1, insert:

"Sec. 3. [BLUE EARTH COUNTY DAM.]

The county of Blue Earth may improve the dam on the Rapidan River now owned by the county by constructing or reconstructing a power house, installing power generation facilities, excavation and riprapping, and providing all other work and materials necessary to complete a functioning plant to be owned and operated by the county for the generation of hydroelectric power to be sold for public use.

Sec. 4. [POWERS; BONDS.]

To construct, operate, and finance the plant, the county may exercise by

resolutions of the county board all of the powers granted to a municipal power agency under Minnesota Statutes, Sections 453.54 to 453.57 and 453.59 to 453.62 with respect to a similar project, and without limitation by the provisions of any other law except that bonds or notes issued for this purpose, and the interest and redemption premiums on them, shall be payable exclusively from the revenues of the project."

Page 2, line 3, before "*This*" insert "*Sections 1 and 2 of*"

Page 2, line 3, delete "*is*" and insert "*are*"

Page 2, line 5, after the period insert "*Sections 3 and 4 of this act are effective the day after compliance with Minnesota Statutes, Section 645.021, Subdivision 3, by the board of county commissioners of Blue Earth County.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "the city of St. Cloud" and insert "local government"

Page 1, line 3, delete "the city-owned"

Page 1, line 4, delete "Mississippi River dam" and insert "dams"

Page 1, line 6, delete "project" and insert "projects"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government and Urban Affairs, to which was referred

S. F. No. 73: A bill for an act relating to commerce; limiting projects for municipal industrial development; repealing Minnesota Statutes 1980, Section 474.02, Subdivisions 1a and 1b.

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 1980, Section 474.01, Subdivision 7a, is amended to read:

Subd. 7a. No municipality or redevelopment agency shall undertake any project authorized by this chapter, except a project referred to in section 474.02, subdivision 1f, unless its governing body finds that the project furthers the purposes stated in this section, nor until the commissioner of ~~securities and real estate~~ *economic development* has approved the project, on the basis of preliminary information which the commissioner may require, as tending to further the purposes and policies of this chapter. Approval shall not be deemed to be an approval by the commissioner of ~~securities and real estate~~ *economic development* or the state of the feasibility of the project or the terms of the revenue agreement to be executed or the bonds to be issued therefor, and the commissioner shall state this in communicating approval.

Sec. 2. Minnesota Statutes 1980, Section 474.01, Subdivision 7b, is amended to read:

Subd. 7b. Prior to submitting an application to the commissioner of ~~securi-~~

~~ties and real estate~~ *economic development* requesting approval of a project pursuant to subdivision 7a, the governing body or a committee of the governing body of the municipality or redevelopment agency shall conduct a public hearing on the proposal to undertake and finance the project. Notice of the time and place of hearing, and stating the general nature of the project and an estimate of the principal amount of bonds or other obligations to be issued to finance the project, shall be published at least once not less than 15 days nor more than 30 days prior to the date fixed for the hearing, in the official newspaper and a newspaper of general circulation of the municipality or redevelopment agency. The notice shall state that a draft copy of the proposed application to the commissioner of ~~securities and real estate~~ *economic development*, together with all attachments and exhibits thereto, shall be available for public inspection following the publication of such notice and shall specify the place and times where and when it will be so available. At the time and place fixed for the public hearing, the governing body of the municipality or the redevelopment agency shall give all parties who appear at the hearing an opportunity to express their views with respect to the proposal to undertake and finance the project. Following the completion of the public hearing, the governing body of the municipality or redevelopment agency shall adopt a resolution determining whether or not to proceed with the project and its financing and may thereafter apply to the commissioner of ~~securities and real estate~~ *economic development* for approval of the project.

If the determination is to proceed with the project, the resolution shall contain the following findings:

(a) That the project furthers the purposes stated in section 474.01;

(b) That the project is consistent with the community's development plans or policies and the zoning requirements of the municipality;

(c) That the project is consistent with the municipal operating guidelines governing the authorized uses for revenue bond projects under this act;

(d) That the project will not directly compete with existing business or industry in the issuing jurisdiction or, if direct competition is found, that it will not result in a substantial detriment to existing business or industry or that the project would serve the overriding needs of the area as a whole;

(e) That an estimated increased cost of providing municipal services, utilities or public improvement to the project would not be unreasonable in light of anticipated gains in revenue to the municipality by virtue of an expanded property tax base or increases in other taxes, fees and charges; and

(f) That the project would not be likely to occur solely through private investment within the reasonably foreseeable future and that the use of industrial revenue bond financing is deemed necessary.

The determination to proceed or not to proceed shall be based on the provisions of this subdivision and guidelines established by the governing body of the municipality or the redevelopment agency and any other criteria, published or otherwise, which the governing body of the municipality or the redevelopment agency determines are applicable to the specific project under consideration.

Sec. 3. Minnesota Statutes 1980, Section 474.01, is amended by adding a

subdivision to read:

Subd. 7c. Prior to the undertaking of any project, the governing body of the municipality or redevelopment agency shall adopt operating guidelines specifying the authorized uses for revenue bonds within that municipality. The guidelines for a municipality shall include a priority list of areas within the municipality to be developed and prioritized with respect to each of the projects enumerated in section 474.02, subdivisions 1a through 1f. The priority areas shall be identified by areas of not larger than 20 square blocks whenever feasible. The guidelines shall be adopted following the hearing procedure provided for individual projects by subdivision 7b. The guidelines are effective when filed with the commissioner of economic development by the governing body of the municipality or redevelopment agency. Municipalities which have adopted guidelines prior to the effective date of this act may file them with the commissioner, together with evidence of public hearing and final passage, and upon filing the guidelines shall be effective for projects approved subsequent to the filing date. Amendments to the guidelines may be adopted pursuant to the hearing process of subdivision 7b and shall be effective when filed with the commissioner. No project inconsistent with applicable guidelines shall be authorized by a municipality. Each municipality or redevelopment agency issuing revenue bonds pursuant to chapter 474 shall designate a public office or official within that municipality or agency to serve as a coordinating body or official for small businesses who desire to use revenue bond financing. The public office or official designated by the municipality or redevelopment agency shall coordinate the use of revenue bonds by small businesses to facilitate their economic feasibility.

Sec. 4. Minnesota Statutes 1980, Section 474.01, Subdivision 8, is amended to read:

Subd. 8. Each municipality and redevelopment agency ~~upon entering into a~~ *issuing* revenue ~~agreement, except one pertaining to a project referred to in section 474.02, subdivision 1f,~~ *bonds pursuant to chapter 474* shall furnish the department of economic development on the forms the department may prescribe the following information concerning the project: ~~The name of the contracting party, the nature of the enterprise, the location, approximate number of employees, the general terms and nature of the revenue agreement, the amount of bonds or notes issued, and other information the department may deem advisable.~~

(a) The name and address of the contracting party and if the contracting party is a subsidiary corporation, the name and address of any corporation owning 25 percent or more of the subsidiaries' voting stock;

(b) The nature and location of the enterprise or project to be financed;

(c) The estimated number of permanent full-time and part-time employees who will be employed as a result of the project including a general categorizing of wage scales of the estimated employees, but listing separately those employed solely in constructing the project;

(d) The amount of bonds or notes issued, and the date issued;

(e) The amount of bonds or notes authorized for the project pursuant to subdivision 7a but unissued;

(f) Whether the bonds or notes were sold through a private placement, as

defined in section 80A.15, subdivision 2, clause (h), or through a public offer;

(g) If the bonds or notes were privately placed, the name and address of the purchaser;

(h) If the bonds or notes were publicly offered, the name and address of the underwriter;

(i) The average annual interest rate paid on the bonds or notes, amortizing any discount or premium over the life of the bonds or notes; and

(j) A brief statement of the benefit which the municipality or redevelopment agency has found will accrue to the community as a result of the project.

The contracting party shall timely furnish to the municipality or redevelopment agency the information required to be reported in this subdivision and any other information the municipality or redevelopment agency may prescribe. If information is not furnished when required, the municipality or redevelopment agency may refuse to proceed with the project. Information that is not available until the bonds are issued must be furnished to the municipality or redevelopment agency within 15 days after issuance.

The municipality or redevelopment agency shall file the information required by this subdivision with the commissioner either within 60 days of the issuance of the bonds or notes or by the end of the calendar quarter in which the bonds were issued, whichever is later. The department shall keep a record of the information which shall be available to the public at times the department shall prescribe. *The department of economic development shall prepare summary tables from these reports and submit its report annually to the legislature and the governor by November 15, documenting the activity of the municipalities and redevelopment agencies in the preceding calendar year.*

In addition to the reporting requirements for individual projects, each municipality or redevelopment agency issuing revenue bonds shall keep a permanent record of the number and types of jobs which have been created as a result of all projects within that jurisdiction, and shall submit a copy of the record to the department of economic development no later than five years from the date of the first issuance of revenue bonds by that municipality or redevelopment agency. After the initial five-year report, the municipality or redevelopment agency shall continue to maintain a permanent job record for any subsequent projects and submit a copy of the record to the commissioner of economic development every five years.

Sec. 5. Minnesota Statutes 1980, Section 474.01, is amended by adding a subdivision to read:

Subd. 11. It is the policy of the state that any bonds sold pursuant to this chapter, whether by a political subdivision, a redevelopment agency, or by the state, as well as all revenue bonds sold pursuant to any other provision of state law, except bonds of the Minnesota housing finance agency issued pursuant to chapter 462A, are sold without moral obligation on the part of the state or its political subdivisions, and may be paid only from revenues specifically pledged for repayment.

Sec. 6. Minnesota Statutes 1980, Section 474.05, is amended to read:

474.05 [DETERMINATION OF COST OF PROJECT.]

In determining the cost of a project, the governing body ~~may~~ *shall* include all cost and estimated cost of the acquisition, construction, reconstruction, improvement, betterment, and extension of the project, all engineering, inspection, fiscal, legal, administrative, and printing expense, the interest which it is estimated will accrue during the construction period and for six months thereafter on money borrowed or which it is estimated will be borrowed pursuant to this chapter, and bond reserves and premiums for insurance of lease rentals pledged to pay the bonds.

Sec. 7. Minnesota Statutes 1980, Section 474.06, is amended to read:

474.06 [MANNER OF ISSUANCE OF BONDS; INTEREST RATE.]

Bonds authorized under this chapter shall be issued in accordance with the provisions of chapter 475 relating to bonds payable from income of revenue producing conveniences, except that public sale shall not be required, and the bonds may mature at any time or times in such amount or amounts within 30 years from date of issue and may be sold at a price equal to such percentage of the par value thereof, plus accrued interest, and bearing interest at such rate or rates, ~~not exceeding nine percent per year,~~ as may be agreed by the contracting party, the purchaser, and the municipality or redevelopment agency, notwithstanding any limitation of interest rate or cost or of the amounts of annual maturities contained in any other law. When bonds authorized under this chapter are issued, they shall state whether they are issued for a project defined in section 474.02, subdivisions 1, 1a, 1b, ~~or~~ 1c, *1e or 1f*.

Sec. 8. Minnesota Statutes 1980, Section 474.08, is amended to read:

474.08 [VALIDITY OF BONDS; PRESUMPTION.]

The validity of bonds or notes issued hereunder shall not be dependent on nor be affected by the validity or regularity of any proceedings relating to the acquisition, purchase, construction, reconstruction, improvement, betterment, or extension of the project for which the same are issued. The ordinance or resolution authorizing such bonds or notes ~~may~~ *shall* provide that the bonds or notes shall contain a recital that they are issued pursuant to this chapter, *that they are issued without moral obligation on the part of the state or its political subdivisions, and that they may be paid only from revenues specifically pledged for repayment*, and such recital shall be conclusive evidence of their validity and of the regularity of their issuance.

Sec. 9. [EFFECTIVE DATE.]

This act shall be effective the day following final enactment."

Amend the title as follows:

Page 1, line 2, delete "commerce" and insert "economic development"

Page 1, line 2, delete "limiting projects for" and insert "regulating"

Page 1, line 3, after the semicolon, insert "prohibiting moral obligation debt;"

Page 1, line 3, delete "repealing" and insert "amending"

Page 1, line 4, delete everything after the first comma and insert "Sections 474.01, Subdivisions 7a, 7b, 8, and by adding subdivisions; 474.05; 474.06; and 474.08."

And when so amended the bill do pass and be re-referred to the Committee on Governmental Operations. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government and Urban Affairs, to which was referred

S. F. No. 1044: A bill for an act relating to the city of Echo; authorizing the issuance of bonds for the acquisition and betterment of a city hall, community center, and municipal meeting room.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 11, delete "*city hall,*"

Page 1, line 12, delete ", *and municipal meeting room*" and insert "*as authorized by the electors of the city at the election held on March 4, 1980*"

Page 1, line 14, delete "*no election shall be required*"

Page 1, delete line 15

Pages 1 and 2, delete section 2

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete "city"

Page 1, line 4, delete "hall," and delete ", and municipal meeting room"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Humphrey from the Committee on Energy and Housing, to which was referred

S. F. No. 1086: A bill for an act relating to special assessments; permitting special assessments for certain residential energy conservation improvements; amending Minnesota Statutes 1980, Section 429.011, by adding a subdivision; and 429.021, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, delete the period after "*et*"

Page 1, line 15, delete "*electricity, natural gas,*"

Page 1, line 16, delete "*or oil*" and insert "*energy*"

Page 3, line 9, delete the period, and insert "*provided that the city develops a program which allows:*

(a) The city to negotiate and contract with contractors to perform work or furnish materials or both, for one or more projects, in accordance with schedules coordinated and approved by the city;

(b) The homeowner, subject to the approval of the city, to negotiate and contract with contractors to perform work or furnish materials or both, for one or more projects, in accordance with schedules coordinated and approved by the city; and

(c) The city to contract with a homeowner for labor or materials or both, provided that in such cases the city may inspect the work performed and shall not pay the homeowner for his labor."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Humphrey from the Committee on Energy and Housing, to which was referred

S. F. No. 736: A bill for an act relating to taxation; providing a sales and use tax exemption for energy conservation and renewable energy source devices and materials; amending Minnesota Statutes 1980, Section 297A.25, Subdivision 1.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Report adopted.

Mr. Humphrey from the Committee on Energy and Housing, to which was referred

S. F. No. 627: A bill for an act relating to energy; confidentiality of certain energy data; powers and duties of Minnesota energy agency; subdivision regulations; providing for certain inspections; extending biomass plan deadline; amending Minnesota Statutes 1980, Sections 116H.07; 116H.08; 116H.129, Subdivision 4; 116H.19, Subdivision 1; 462.358, Subdivision 2a; proposing new law coded in Minnesota Statutes, Chapter 15.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 to 3, delete section 2

Page 3, after line 32, insert:

"*(f) Provide on-site technical assistance to units of local government in order to enhance local capabilities for dealing with energy problems;*"

Page 3, line 33, delete "*(f)*" and insert "*(g)*"

Page 3, line 33, after "*state*" insert a comma

Page 3, line 33, delete "*under*" and insert "*pursuant to*"

Page 3, line 34, after "*guidelines,*" insert "*except for the crisis fuel assistance and low income weatherization programs administered by the department of economic security,*"

Page 3, line 34, delete "*such*" and insert "*the*"

Page 4, line 6, delete "*such*" and insert "*the*"

Page 4, line 8, delete "*random*" and insert "*an*"

Page 4, line 8, after "*inspections*" insert "*program in conjunction with existing city inspection programs*"

Page 4, line 9, after "*of*" insert "*section*"

Page 4, line 9, before the period insert "*; provided that 50 percent of the penalties to be paid to the state treasury for violation of subdivision 3 shall be paid to the municipality*"

Page 4, line 14, strike "shall" and insert "*may*"

Page 4, line 15, strike ", to"

Page 4, line 16, strike the existing language and delete the new language

Page 4, line 17, delete "*1982*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after "energy;" insert "providing for the"

Page 1, line 3, delete "powers and" and insert "changing the"

Page 1, line 6, delete "116H.07;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Humphrey from the Committee on Energy and Housing, to which was referred

S. F. No. 783: A bill for an act relating to energy; creating the Minnesota renewable energy financing commission; establishing a program of loans and financial assistance for small businesses and municipalities; authorizing the issuance of bonds; appropriating money; proposing new law coded in Minnesota Statutes 1980, Chapter 116H.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [116H.135] [ENERGY FINANCING COMMISSION ACT.]

Subdivision 1. [TITLE.] *Sections 1 to 3 may be cited as the "Minnesota energy financing commission act."*

Subd. 2. [POLICIES.] *Improving energy efficiency and developing economical renewable energy systems is a public purpose for state financing and a proper function of state government. Climate and geography make a reliable, economic supply of energy essential for municipalities and small businesses. Imported supplies are increasingly costly, unreliable, and environmentally disadvantageous. Renewable energy systems offer an important means of increasing the efficiency of Minnesota's energy systems and reducing the state's reliance on imported energy supplies. The combination of the large initial capital cost and investors' lack of familiarity with renewable energy systems has made the private market reluctant to provide the necessary capital for their development. As a result, public leadership, cooperation, and aid are needed to develop economically viable renewable energy systems.*

Subd. 3. [DEFINITIONS.] *Each term defined in this subdivision has the meaning given it whenever used in sections 1 to 3.*

(a) "Commission" means the renewable energy financing commission created in this section.

(b) "Owner" means a person, partnership, firm, or corporation engaged in a small business and applying to the commission for a loan under section 2.

(c) "Small business" means an enterprise defined as a small business con-

cern in regulations of the United States small business administration pursuant to 15 U.S. Code, Sections 631 to 647, as in effect March 1, 1980, which is engaged in any industrial or commercial activity. For the purposes of sections 1 to 3, a small business includes a cooperative association organized pursuant to chapter 308, a charitable organization as defined in section 309.50, a nonprofit corporation as defined in section 317.02, a conservation service company, or a labor union. A small business also includes a family farm, a family farm corporation, or an authorized farm corporation as defined in section 500.24, subdivision 2.

(d) "Target small business" for the purpose of section 2, subdivision 6, means a small business entity as defined in clause (c) which:

(1) Is not an affiliate or subsidiary of a business dominant in its field of operation;

(2) Has 50 or fewer full time employees or not more than the equivalent of $2,000,000 in annual gross revenues in the preceding fiscal year; and

(3) Demonstrates a commitment to employ individuals who are from low income households and have a history of unemployment.

(e) "Dominant in its field of operation" means having more than 50 full time employees and more than $2,000,000 in annual gross revenues.

(f) "Affiliate or subsidiary of a business dominant in its field of operation" means a business which is at least 20 percent owned by a business dominant in its field of operation, or by partners, officers, directors, majority stockholders, or their equivalent, of a business dominant in its field of operation.

(g) "Financial institution" means any bank or other financial corporation described in chapter 47, any insurance company licensed to do business under chapter 60A, any securities broker-dealer licensed under chapter 80A, and any credit union.

(h) "Renewable energy system" includes, but is not limited to, the systems that qualify under the provisions of section 290.06, subdivision 14, and the rules promulgated under it except that qualifying systems described in section 290.06, subdivision 14, clause (c) may sell any fuels they produce.

(i) "Conservation" means a capital investment designed to reduce the use of energy so that the resulting fuel savings amortize the cost of the investment over a period of ten years or less.

(j) "Municipality" means any city, however organized, or any municipal power agency governed by chapter 453, or any group or combination of those units operating under an agreement to jointly undertake projects authorized by sections 1 to 3.

Subd. 4. [ENERGY COMMISSION.] *An energy financing commission is estabished to carry out the powers and duties authorized in sections 1 to 3 to implement a loan program by which, in cooperation with cities, towns, counties and private or public lenders, adequate funds may be provided on sufficiently favorable terms to assist and encourage the establishment, maintenance and growth of small renewable energy and conservation businesses in Minnesota and to reduce to a manageable level the cost of energy to businesses and municipalities. The commission shall make loans to assist small businesses and*

municipalities in the manufacture, design, distribution, maintenance, installation or acquisition of renewable energy systems and energy conservation materials and devices.

Because of its ability to pool or combine loans to be funded from one or more issues of bonds, the commission will be able to spread its financing costs among the municipalities, small businesses and individuals to which the commission makes loans.

Subd. 5. [PURPOSE.] *Sections 1 to 3 are enacted to promote the welfare and prosperity of the state by maintaining and increasing the career and job opportunities of its citizens, by reducing waste of resources and by protecting and enhancing the tax base on which state and local governments depend for the financing of public services.*

Subd. 6. [LIABILITY.] *Neither the state nor any other agency or political subdivision of the state shall be liable on any bond, note or other obligation of the commission, and no bond, note, or other obligation of the commission shall constitute a debt or loan of credit of the state or any political subdivision.*

Subd. 7. [LIMIT OF STATE ACTION.] *The state pledges and agrees with all holders of obligations of the commission that it will not limit or alter the rights vested in the commission to fulfill their terms, and will not in any way impair the rights or remedies of the holders, until all of the obligations and interest on them, with interest on any unpaid installments of interest and all costs and expenses in connection with any action or proceeding by or on behalf of the holders to enforce the payment and other provisions of the obligations, are fully met and discharged. The commission may include and recite this pledge and agreement of the state in any obligation or related document.*

Subd. 8. [POWERS OF THE STATE.] *This section does not affect the power of the state to supervise and control the commission or to discontinue its operation or alter its organization, programs or activities or transfer its powers to a successor agency, but the action of the state must be consistent with the provisions of subdivision 7 and title to all property owned by the commission at the time of the state's action must remain or vest in the commission, its successor or the state, as the case may be.*

Subd. 9. [TAXES.] *The property of the commission and its income and operation shall be exempt from all taxation by the state or any of its political subdivisions and all bonds and notes of the commission shall be exempt from all taxation by the state or any of its political subdivisions.*

Subd. 10. [BONDS; TAX STATUS.] *The state covenants with the purchasers and all subsequent holders and transferees of notes and bonds issued by the commission in consideration of the acceptance of and payment for the notes and bonds, that the notes and bonds of the commission issued pursuant to sections 1 to 3 and the income from them and all its fees, charges, gifts, grants, revenues, receipts, and other moneys received or to be received, pledges to pay or secure the payment of the notes or bonds shall at all times be free and exempt from all state, city, county or other taxation provided by the laws of the state, except for estate and gift taxes and taxes on transfers, and except for the Minnesota corporate franchise tax measured by income, so long as the interest on federal bonds is included in the income by which the corporate franchise tax is measured.*

Subd. 11. [COMMISSION; MEMBERS.] *The commission shall have five members knowledgeable about energy appointed by the governor with the advice and consent of the senate. The commissioners shall include:*

(a) One renewable energy or conservation entrepreneur managing a small business;

(b) One officer from a commercial lending institution; and

(c) One labor union official.

The director of the energy agency, the director of the housing finance agency, and the commissioner of economic development shall serve as ex officio members of the commission.

Subd. 12. [TERMS.] *The commissioners shall serve three year terms. The first members shall be appointed for terms as follows: (a) one for a term ending the first Monday in January, 1982; (b) two for terms ending the first Monday in January, 1983; and (c) two for terms ending the first Monday in January, 1984.*

Subd. 13. [CHAIR.] *The members of the commission shall annually elect a chairman and other officers they deem necessary.*

Subd. 14. [STAFF.] *The commission shall hire permanent and temporary employees necessary for the performance of its duties. The commission may enter into agreements under which the housing finance agency will provide administrative support for the commission.*

Subd. 15. [SERVICES.] *The commission shall identify general consultative and technical services to assist in financing municipalities and small business facilities for which loans may be made pursuant to section 2. It may enter into agreements or other transactions concerning the receipt or provision of those services.*

Sec. 2. [116H.136] [LOANS.]

Subdivision 1. [GENERAL.] *The commission may make or purchase or participate with financial institutions in making or purchasing renewable energy loans or energy conservation loans upon the conditions described in this section, and may enter into commitments for loans.*

Subd. 2. [LOAN PURCHASES.] *The commission may participate with financial institutions in making or purchasing business loans not exceeding $1,000,000 in principal amount, to be serviced by the institutions, provided that:*

(a) The commission's share shall not exceed 90 percent of the total principal amount, and shall be payable with interest at the same times but not necessarily at the same interest rate as the share of the financial institution, and both shares shall be equally and ratably secured by a valid mortgage on or security interest in real and personal property;

(b) The total principal amount shall not exceed 90 percent of the value of the property securing the loan, unless the amount in excess of 90 percent is:

(1) Loaned from available funds which are not proceeds received directly from the sale of the commission's bonds or notes and are not restricted under the terms of any resolution or indenture securing bonds or notes, or

(2) Insured or guaranteed by a federal agency or by a private insurer qualified to write the insurance in the state, insuring a percentage of any claim for loss at least equal to the percentage by which the loan exceeds 90 percent of the value;

(c) The value of the property securing the loan shall be certified by the participating financial institution, on the basis of appraisals, bids, purchase orders, and engineers' certificates as the commission may require;

(d) The commission shall not disburse more than one-third of the total funds under a commitment to participate in a loan for the construction or substantial improvement of property until the construction or improvement has been completed in accordance with plans and specifications, unless the financial institution furnishes an irrevocable letter of credit or a qualified corporate surety furnishes payment and performance bonds, satisfactory to the commission and in an aggregate amount equal to the amount payable under the construction contract; and

(e) No other indebtedness may be secured by a mortgage on or security interest in property securing a business loan made or purchased pursuant to this subdivision.

Subd. 3. [LOANS; AMOUNT.] *The commission may make small business and municipal loans not exceeding $200,000 in principal amount, but each loan shall be made only from the proceeds of a bond or note sold and issued to a financial institution, payable exclusively from the repayments of principal and interest on the loan, which shall be assigned to and serviced by the financial institution.*

Subd. 4. [ASSURED FINANCING.] *No loan of state funds for any project shall be disbursed until the commission has determined the total estimated cost of a qualified project and ascertained that financing of the project is assured by:*

(a) A loan or grant of funds authorized by state law;

(b) A grant of funds by an agency of the federal government which is within the amount of funds appropriated to that agency and allocated by it to the project;

(c) A grant or loan of funds from any other public or private entity;

(d) The appropriation of the proceeds of bonds or other funds of a municipality; or

(e) Any combination of the sources referred to in clauses (a) to (d).

Subd. 5. [MUNICIPAL PLEDGE.] *In addition to the requirements of subdivision 4, no loan of state funds shall be disbursed until the governing body of the qualifying municipality has adopted a resolution agreeing to utilize not only all funds it allocates specifically for the qualifying project, but also to pay any additional amount by which the cost of the project exceeds those allocated funds. The resolution shall agree to obtain the additional amounts which are necessary to fully fund the project from either the appropriation of additional municipal funds or the appropriation of the proceeds of additional bonds to be issued by the municipality.*

Subd. 6. [LOANS; TYPES.] *The commission shall make every effort to*

assure that at least 40 percent of the principal amount of the loans made or purchased by the agency in each fiscal year consists of loans to target small businesses as defined in section 1, subdivision 3, clause (d), and shall provide technical assistance needed by target small business owners to complete applications and meet other requirements for those loans. The commission shall report to the legislature annually on or before October 1 as to its compliance with the requirements of this subdivision during the preceding fiscal year.

Subd. 7. [REPORTS.] *(a) Each financial institution which participates in a residential or business loan with the commission shall annually on or before March 1 submit a report for the prior calendar year to the agency on a form prescribed by the state auditor. The report shall include a listing of each new and outstanding loan in which the financial institution is a participant, the amount and terms of the loan, the purpose of the loan and any other information as the state auditor may reasonably require.*

(b) The commission shall annually on or before May 1 submit a report on a form prescribed by the state auditor for the prior calendar year to the state auditor on all loans which it makes, purchases or participates in. The report shall include a listing of each new and outstanding loan in which the financial institution is a participant, the amount and terms of the loan, the purpose of the loan and any other information the state auditor may reasonably require.

(c) The state auditor shall annually on or before July 1 submit a report for the prior calendar year to the governor and the legislature summarizing the report submitted pursuant to clause (b).

(d) The cost of preparing and submitting the reports required by this subdivision shall be borne by the party submitting it. Any financial institution which fails to comply with the requirements of this subdivision shall be prohibited from participating in future loans until it complies.

Sec. 3. [116H.137] [POWERS; DUTIES.]

Subdivision 1. [GENERAL.] *In implementing its corporate purposes and the programs described in sections 1 to 3, the commission shall have the powers and duties set forth in this section.*

Subd. 2. [LAWSUITS.] *It may sue and be sued.*

Subd. 3. [CORPORATE SEAL.] *It may have a seal and alter it at will.*

Subd. 4. [RULES.] *It may adopt, amend and repeal rules consistent with the provisions of sections 1 to 3 as necessary to effectuate its corporate purposes.*

Subd. 5. [PROPERTY.] *It may acquire, hold and dispose of personal property for its corporate purposes.*

Subd. 6. [AGREEMENTS.] *It may enter into agreements or other transactions with any federal or state agency, any person and any domestic or foreign partnership, corporation, association or organization.*

Subd. 7. [PROPERTY; DEFAULT.] *It may acquire real property, or an interest in real property, in its own name, by purchase or foreclosure, when the acquisition is necessary or appropriate to protect any loan in which the agency has an interest and may sell, transfer and convey the property to a buyer and, if sale, transfer or conveyance cannot be effected with reasonable promptness or at a reasonable price, may lease the property to a tenant.*

Subd. 8. [LOANS; SALES.] *It may sell, at public or private sale, any note, mortgage or other instrument or obligation evidencing or securing a loan.*

Subd. 9. [INSURANCE.] *It may procure insurance against any loss in connection with its property in the amounts, and from the insurers, as necessary or desirable.*

Subd. 10. [TERMS; MODIFICATION.] *It may consent, when it deems it necessary or desirable in the fulfillment of its corporate purpose, to the modification of the rate of interest, time of payment or any installment of principal or interest, or any other term, of any mortgage loan, mortgage loan commitment, construction loan, temporary loan, contract or agreement of any kind to which the agency is a party.*

Subd. 11. [BONDS.] *It may borrow money to accomplish its corporate purpose and issue its negotiable bonds or notes as evidence of the borrowing in accordance with sections 462A.08 to 462A.13, 462A.16 and 462A.17, all with the force and effect stated and the incidental powers granted and duties imposed in those sections. The aggregate principal amount of the commission's bonds and notes outstanding at any one time, excluding the amount satisfied and discharged by payment or provision for payment in accordance with their terms, and deducting amounts held in debt service reserve funds for them, shall not exceed $1,000 unless authorized by another law.*

Subd. 12. [RESERVE.] *It may issue and sell bonds, notes and other obligations payable solely from particular moneys, assets or revenues derived from its programs notwithstanding section 462A.08, subdivision 3. Obligations issued to participate in making or purchasing small business and municipal loans pursuant to section 2, shall be payable solely from revenues derived by the commission from repayments of the loans and from enforcement of the security for them, or from a general reserve fund irrevocably pledged and appropriated to pay principal and interest due, for which other funds are not available. No obligations shall be issued at any time unless the amount then in the general reserve fund equals at least ten percent of the aggregate principal amount of all the obligations then issued and then outstanding.*

Subd. 13. [PRICES.] *It may sell any of its obligations at public or private sale, at the price or prices the commission shall determine, notwithstanding the limitation on sale price in the fourth sentence of section 462A.09.*

Subd. 14. [COMPLIANCE.] *It may establish and collect reasonable interest and amortization payments on loans, and in connection with them may establish and collect or authorize the collection of reasonable fees and charges or require funds to be placed in escrow, sufficient to provide for the payment and security of its bonds, notes, commitments and other obligations and for the servicing of them, to provide reasonable allowances for or insurance against losses which may be incurred and to cover the cost of issuance of obligations and technical, consultative and project assistance services. It shall require the payment of all processing, administrative and guarantee fees and the deposit in escrow of all funds required by the small business administration or other federal agency or instrumentality guaranteeing any loan and shall comply and enforce compliance with all terms and conditions of each guarantee.*

Subd. 15. [INVESTMENTS.] *It may invest any funds not required for immediate disbursement in direct obligations of or obligations guaranteed as*

to principal and interest by the United States, or in insured savings accounts, up to the amount of the insurance, in any institution the accounts of which are insured by the federal savings and loan insurance corporation or in a savings or other account in a bank insured by the federal deposit insurance corporation or in time certificates of deposit issued by a bank insured by the federal deposit insurance corporation and maturing within one year or less. It may deposit funds in excess of the amount insured with security as provided in chapter 118. Notwithstanding the foregoing, it may invest and deposit funds in accounts established pursuant to resolutions or indentures securing its bonds or notes in the investments and deposit accounts or certificates, and with the security, as may be agreed with the holders or a trustee for the holders.

Subd. 16. [DATA.] *Financial information, including, but not limited to, credit reports, financial statements and net worth calculations, received or prepared by the commission regarding any project loan is private data on individuals as defined in section 15.162, subdivision 5a.*

Subd. 17. [OTHER FUNDING.] *It may accept appropriations, gifts, grants, bequests and devises and use or dispose of them for its corporate purposes.*

Subd. 18. [FUNDING.] *All proceeds of the commission's bonds, notes and other obligations, any amounts granted or appropriated to the commission for the making or purchase or the insurance or guaranty of loans or for bond reserves, all income from their investment and all revenues from loans, fees and charges of the commission are annually appropriated to the commission for the accomplishment of its corporate purposes and shall be expended, administered and accounted for in accordance with the applicable provisions of all bond and note resolutions, indentures and other instruments, contracts, and agreements of the agency.*

Subd. 19. [HOUSING FINANCE AGENCY.] *The director of the housing finance agency at the commission's request may enter into agreements or transactions with the commission to perform any or all administrative tasks in connection with the exercise and implementation of the powers and programs of the commission.*

Sec. 4. [APPROPRIATION.]

$..... is appropriated from the general fund to the commission to establish the reserve required by section 3, subdivision 12.

Sec. 5. [APPROPRIATION.]

$..... is appropriated from the general fund to the commission to hire necessary staff, consultants, and equipment to carry out the provisions of sections 1 to 3.

Sec. 6. [REPEALER.]

Minnesota Statutes 1980, Section 3.351 is repealed.

Sec. 7. [EFFECTIVE DATE.]

Sections 1 to 6 are effective the day following final enactment."

Amend the title as follows:

Page 1, delete lines 2 to 7 and insert:

"relating to energy; creating the Minnesota energy financing commission; establishing a program of loans and financial assistance for small businesses and municipalities; authorizing the issuance of bonds; appropriating money; proposing new law coded in Minnesota Statutes 1980, Chapter 116H; repealing Minnesota Statutes 1980, Section 3.351."

And when so amended the bill do pass and be re-referred to the Committee on Governmental Operations. Amendments adopted. Report adopted.

Mr. Humphrey from the Committee on Energy and Housing, to which was referred

S. F. No. 1096: A bill for an act relating to energy; authorizing the Minnesota energy agency to administer a program of loans to municipalities for establishing and improving district heating systems; authorizing the issuance of state bonds pursuant to Article XI of the Minnesota constitution; appropriating money; amending Minnesota Statutes 1980, Sections 412.321, Subdivision 1; 412.351; 412.361, Subdivision 3; and 429.021, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapters 116H, 216B, and 465.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [116H.31] [DISTRICT HEATING GRANTS AND LOANS.]

Subdivision 1. [POLICIES.] *Developing and improving efficient and economical district heating systems is a public purpose for state financing and a proper function of state government. Climate and geography make a reliable, economic supply of energy essential for industrial, commercial, and residential heating. Imported supplies are increasingly costly, unreliable, and environmentally disadvantageous. District heating systems employing cogeneration techniques and innovative technology offer an important means of increasing the efficiency of Minnesota's energy systems and reducing the state's reliance on imported energy supplies. The combination of the large initial capital cost and investors' lack of familiarity with district heating has made the private market reluctant to provide the necessary capital for district heating projects. As a result, public leadership, cooperation, and aid are needed to demonstrate the feasibility of district heating systems by establishing economically viable district heating systems as demonstration projects. District heating systems may be financed by loans from the state and from other sources available to municipalities.*

Subd. 2. [DEFINITIONS.] *In this section:*

(a) "Commissioner" means the commissioner of finance.

(b) "Construction costs" means all costs associated with the construction, modification or expansion of a district heating system except for preliminary planning costs and detailed design costs. Construction costs include the cost of debt service from the time a construction loan is made until six years after the beginning of the operation of the district heating system constructed or the part of the system being modified or expanded.

(c) "Director" means the director of the Minnesota energy agency.

(d) "District heating" means the use of a central energy conversion facility to produce hot water or steam for distribution to homes or businesses. District heating facilities may also produce electricity in addition to hot water or steam.

(e) "District heating utility" means any person, firm, public, nonprofit, or private corporation, or other entity that owns and operates or plans to own and operate a district heating system.

(f) "Municipality" means any county, city, town, municipal power agency, or public utility, as defined in section 452.01, subdivision 3, owned and operated by a city, however organized.

Subd. 3. [PRELIMINARY PLANNING GRANTS.] *Upon application by a municipality, on a form prescribed by rule, the director shall make grants to municipalities for preliminary planning related to the development of district heating systems on the following conditions:*

(a) The municipality demonstrates that a community heatload survey and map have been completed;

(b) The potential district heating load is sufficiently large to justify further consideration; and

(c) Sufficient resources are available for the municipality to meet the financial requirements of the proposed system.

Eligible planning grant costs include project definition, development of preliminary financing and distribution system plans, and obtaining community commitment for detailed planning or design and preparation of a final report. The amount of a grant shall be limited to 90 percent of eligible planning costs and shall not exceed $20,000.

Subd. 4. [LOANS; ELIGIBILITY.] *The commissioner of finance, upon request of the governor, pursuant to subdivision 7, may make loans to municipalities for the acquisition, construction, expansion, or modification of district heating systems. A municipality may apply for and receive a loan on behalf of a district heating utility that is or shall operate pursuant to a municipal utility franchise or pursuant to a written agreement with the district heating utility. A loan shall be made only to a municipality that has demonstrated in its application that:*

(a) The municipality has the financial capability to sponsor the project;

(b) The project is technologically feasible;

(c) The district heating project: (i) will become a cogeneration facility or (ii) will utilize hot water or (iii) will allow the use of nonpetroleum fuels or (iv) will construct an efficient heat transmission system;

(d) If the project involves an existing district steam heating system, the project will be integrated with a hot water district heating system, and if the existing system or an expansion or modification of the existing system is not owned by the city, that the city shall enter into a written agreement with the district heating utility, before the municipality makes a loan to the utility, which includes a requirement that the utility restrict expansion of its existing steam system within its current geographic boundaries as determined by the municipality and develop a hot water system on a specific time schedule; and

(e) The municipality has made adequate provision to assure proper and efficient operation and maintenance of the project after construction is completed.

Subd. 5. [LOANS; APPLICATION.] *Application for a loan to be made pursuant to subdivision 7 shall be made by a municipality to the director on a form prescribed by the director by rule. The director shall review each application and determine:*

(a) Whether or not the project is eligible for a loan;

(b) The priority of the project when ranked with all other eligible projects for which a loan application has been submitted;

(c) The total estimated cost of the project;

(d) The amount of the loan for which the project is eligible;

(e) The terms upon which the loan would be made; and

(f) The means by which the project shall be financed, including, but not limited to: grants, other loans, bond proceeds, appropriations, user charges, fees, special assessments, or taxes.

Subd. 6. [LOAN REVIEW; PRIORITIES.] *In reviewing the projects, the director shall give higher priority to a project that does more to achieve the following goals:*

(a) The district heating conversion facility employs cogeneration techniques;

(b) The facility uses renewable or nonpetroleum sources of energy;

(c) The district heating facility will save petroleum or natural gas;

(d) The operation of the district heating facility will not have an adverse impact on the environment;

(e) The district heating facility may readily be expanded to serve additional customers or to supply additional amounts of energy, and market demand for the energy exists;

(f) The project has obtained additional financing from the federal government, private sources, or other sources of capital; and

(g) Other goals the director finds desirable for district heating systems.

Subd. 7. [LOAN APPROVAL.] *The director shall prepare and submit to the legislative advisory commission a list of district heating loan requests in rank order based on priority. The list shall contain the supporting information required by subdivisions 4, 5 and 6. The recommendation of the legislative advisory commission shall be transmitted to the governor. The governor shall approve or disapprove, or return for further consideration, each project recommended for approval by the legislative advisory commission. Loans shall be disbursed only upon approval by the governor.*

Subd. 8. [LOAN; ELIGIBLE EXPENSES.] *Upon the recommendation of the governor pursuant to subdivision 7, the commissioner shall make loans to municipalities for the following expenses:*

(a) Design costs; provided that a municipality demonstrate that the pre-

liminary planning as described in subdivision 3 has been completed.

For cities of the first class, the amount of the loan shall not exceed 40 percent of the design costs. For cities of the second, third and fourth class, the amount of the loan shall not exceed 90 percent of the design costs;

(b) Construction costs; provided that a municipality shall demonstrate that all design activities have been completed, that the project is economically and technologically feasible, and that it has made adequate provisions to assure proper and efficient construction operation, and maintenance of the project.

For cities of the first class, the amount of the loan shall not exceed 50 percent of the construction costs. For cities of the second, third or fourth class, the amount of the loan shall not exceed 90 percent of the construction costs.

A loan made pursuant to this section is repayable over a period of 20 years, with interest payments beginning the first year. Interest shall accrue from the date of the loan at a rate of interest assigned at the date of loan commitment. Principal payments shall begin in the sixth year after the receipt of the loan on a 25 year level payment schedule with the balance of the principal to be retired with the payment due 20 years after receipt of the loan.

Subd. 9. [LOAN PAYMENT; OBLIGATION.] *The commissioner shall not pay money to a municipality pursuant to an approved loan until he has determined that:*

(a) Financing of the project as proposed by the municipality is assured by an irrevocable undertaking, by resolution of the governing body of the municipality, to use all money made available by the loan exclusively for the eligible costs of the project, and to pay any additional amount by which the cost of the project exceeds the estimate by the appropriation to the construction account of additional municipal money or the proceeds of additional bonds to be issued by the municipality; and that

(b) The governing body of the municipality has adopted a resolution obligating the municipality to repay the loan according to the terms in the loan. The obligation may be payable from user charges, franchise fees, special assessments or other money available to the municipality. The resolution shall obligate the municipality to annually impose and collect user charges, franchise fees, special assessments, or to use any other money available to it from any other specified source, in amounts and at times that if collected in full will annually produce at least five percent in excess of the amount needed for all annual costs of the system, including annual repayment on state loans. A municipality may also pledge to levy an ad valorem tax to guarantee the payments under the loan agreement. For the purpose of repaying the loan, the municipality by resolution of its governing body may fix the rates and charges for district heating system service and products, may enter into contracts for the payment by others of costs of construction, maintenance, and use of the project in accordance with section 444.075 and may pledge the revenues derived therefrom. The commissioner shall condition a loan upon the establishment of rates and charges or the execution of contracts sufficient to produce annually the revenues pledged for repayment of all annual costs of the system, including annual repayment of the state loan, and may require additional means of security as he deems necessary.

Subd. 10. [LOAN RECEIPTS.] *All principal and interest payments received*

by the commissioner in repayment of the loans authorized by this section shall be deposited in the state treasury and credited to the state bond fund and are appropriated to the commissioner for the purposes of that account.

Subd. 11. [RULES.] *The director shall adopt rules necessary to carry out this section. The director shall adopt temporary rules pursuant to section 15.0412, subdivision 5, meeting the requirements of this section. The rules shall contain as a minimum:*

(a) Procedures for application by municipalities; and

(b) Criteria for reviewing grant and loan applications.

Sec. 2. Minnesota Statutes 1980, Section 412.321, Subdivision 1, is amended to read:

Subdivision 1. [AUTHORITY TO OWN AND OPERATE.] Any statutory city may own and operate any waterworks, *district heating system,* or gas, light, power, or heat plant for supplying its own needs for utility service or for supplying utility service to private consumers or both. It may construct and install all facilities reasonably needed for that purpose and may lease or purchase any existing utility properties so needed. It may, in lieu of providing for the local production of gas, electricity, water, *hot water, steam,* or heat, purchase the same wholesale and resell it to local consumers. After any such utility has been acquired, the council, except as its powers have been limited through establishment of a public utilities commission in the city, shall make all necessary rules and regulations for the protection, maintenance, operation, extension, and improvement thereof and for the sale of its utility products.

Sec. 3. Minnesota Statutes 1980, Section 412.351, is amended to read:

412.351 [COMMISSION, JURISDICTION.]

The council shall, in the ordinance establishing the commission, decide which of the following public utilities shall be within the commission's jurisdiction: (1) the city water system; (2) light and power system, including any system then in use or later acquired for the production and distribution of steam heat; (3) gas system; (4) sanitary or storm sewer system or both, including the city sewage disposal plant; (5) public buildings owned or leased by the city; *(6) district heating system.* As used subsequently in sections 412.351 to 412.391, the term "public utility" means any water, light and power, gas or sewer system, or public buildings thus placed by ordinance under the jurisdiction of the public utilities commission. Any public utility not placed under the jurisdiction of the public utilities commission by the ordinance establishing the commission may be placed under the jurisdiction of the commission by an amendment to the original ordinance.

Sec. 4. Minnesota Statutes 1980, Section 412.361, Subdivision 3, is amended to read:

Subd. 3. The commission shall have power to buy all fuel and supplies, and it may purchase wholesale electric energy, steam heat, *hot water energy,* gas or water, as the case may be, for municipal distribution.

Sec. 5. Minnesota Statutes 1980, Section 429.021, Subdivision 1, is amended to read:

Subdivision 1. [IMPROVEMENTS AUTHORIZED.] The council of a

municipality shall have power to make the following improvements:

(1) To acquire, open, and widen any street, and to improve the same by constructing, reconstructing, and maintaining sidewalks, pavement, gutters, curbs, and vehicle parking strips of any material, or by grading, graveling, oiling, or otherwise improving the same, including the beautification thereof and including storm sewers or other street drainage and connections from sewer, water or similar mains to curb lines.

(2) To acquire, develop, construct, reconstruct, extend and maintain storm and sanitary sewers and systems, including outlets, holding areas and ponds, treatment plants, pumps, lift stations, service connections, and other appurtenances of a sewer system, within and without the corporate limits.

(3) To construct, reconstruct, extend and maintain steam heating mains.

(4) To install, replace, extend and maintain street lights and street lighting systems and special lighting systems.

(5) To acquire, improve, construct, reconstruct, extend and maintain water works systems, including mains, valves, hydrants, service connections, wells, pumps, reservoirs, tanks, treatment plants, and other appurtenances of a water works system, within and without the corporate limits.

(6) To acquire, improve and equip parks, open space areas, playgrounds and recreational facilities within or without the corporate limits.

(7) To plant trees on streets and provide for their trimming, care and removal.

(8) To abate nuisances and to drain swamps, marshes and ponds on public or private property and to fill the same.

(9) To construct, reconstruct, extend, and maintain dikes and other flood control works.

(10) To construct, reconstruct, extend and maintain retaining walls and area walls.

(11) To acquire, construct, reconstruct, improve, alter, extend, operate, maintain and promote a pedestrian skyway system.

(12) To acquire, construct, reconstruct, extend, operate, maintain and promote underground pedestrian concourses.

(13) To acquire, construct, improve, alter, extend, operate, maintain and promote public malls, plazas or courtyards.

(14) To construct, reconstruct, extend, and maintain district heating systems.

Sec. 6. [465.74] [AUTHORIZATION TO OPERATE DISTRICT HEATING SYSTEMS.]

Subdivision 1. [CITIES OF THE FIRST CLASS.] *Any city operating or authorized to operate a public utility pursuant to chapter 452 or its charter is authorized to acquire, construct, own, and operate a municipal district heating system pursuant to the provisions of that chapter or its charter. Acquisition*

or construction of a municipal district heating system shall not be subject to the election requirement of sections 452.11 and 452.12, or city charter provision, but must be approved by a three-fifths vote of the city's council or other governing body. Loans obtained by a municipality pursuant to section 1 are not subject to the limitations on the amount of money which may be borrowed upon a pledge of the city's full faith and credit or the election requirements for general obligation borrowing, contained in section 452.08.

Subd. 2. [CITIES OF THE SECOND, THIRD, AND FOURTH CLASS.] *A home rule or statutory city of the second, third or fourth class may, pursuant to sections 412.331 to 412.391, or chapter 455 or its charter acquire, construct, own, and operate a municipal district heating system.*

Subd. 3. [EXTENSION OF SERVICE OUTSIDE CITY.] *A municipal district heating system, operating pursuant to this section, may sell energy to customers located outside of the municipality.*

Subd. 4. [NET DEBT LIMITS.] *The loan obligations or debt incurred by a political subdivision pursuant to sections 1 or 7 shall not be considered as a part of its indebtedness under the provisions of its governing charter or of any law of this state fixing a limit of indebtedness.*

Subd. 5. [DISTRICT HEATING FACILITIES.] *Notwithstanding any other law, general or special, or the provisions of any home rule charter city to the contrary, a municipality may grant a district heating franchise for a term not to exceed 31 years upon the affirmative vote of the city council and the concurrence of the mayor.*

Sec. 7. [475.525] [MUNICIPAL DISTRICT HEATING BONDS.]

Subdivision 1. [GENERAL OBLIGATION BONDS.] *A municipality may, by resolution, authorize, issue and sell general obligation bonds or obligations to finance any expenditure by the municipality for the acquisition, construction, expansion, modification or operation of a district heating system and for the purpose of loaning the proceeds of the bonds or obligations to any person, firm or public or private corporation to acquire, construct, expand or modify a district heating system. Except with regard to the net debt limit as provided in section 6, subdivision 4, the general obligation bonds or obligations authorized by this subdivision shall be authorized, issued and sold in the same manner and subject only to the same conditions as those provided in chapter 475. When revenues from the operation of a district heating system are pledged to the repayment of the bonds or obligations, the estimated collections of said revenues so pledged may be deducted from the taxes otherwise required to be levied before the issuance of the bonds or obligations under section 475.61, subdivision 1, or the collections thereof may be certified annually to reduce or cancel the initial tax levies in accordance with section 475.61, subdivision 1 or 3.*

Subd. 2. [REVENUE BONDS.] *Notwithstanding any other law, general or special, or the provisions of any home rule charter to the contrary, a municipality may, by resolution, authorize, issue and sell revenue bonds or obligations payable solely from all or a portion of revenues derived from a district heating system located wholly or partially within a municipality to finance the acquisition, construction, expansion, modification, or operation of a district heating system and for the purpose of loaning the proceeds of the bonds or obligations to any person, firm or public or private corporation to acquire, construct, expand or modify a district heating system. The bonds or obligations shall mature as determined by resolution of the municipality and may be issued*

in one or more series and shall bear such date or dates, bear interest at such rate or rates, be in such denomination or denominations, be in such form either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in medium of payment at such place or places, and be subject to such terms of redemption, with or without premium, as such resolution, its trust indenture or mortgage may provide. The bonds or obligations may be sold at public or private sale at the price or prices as the municipality by resolution shall determine, and any provision of any law to the contrary notwithstanding, shall be fully negotiable. In any suit, action, or proceedings involving the validity or enforceability of any bonds or obligations of the municipality or the security therefor, any bond or obligation reciting in substance that it has been issued by the municipality to aid in the acquisition, construction, expansion, modification or operation of a district heating system shall be conclusively deemed to have been issued for such purpose. Neither the municipality nor any council member, officer, employee or agent of the municipality nor any person executing the bonds or obligations shall be liable personally on the bonds or obligations by reason of the issuance thereof. The bonds or obligations may be further secured by a pledge and mortgage of all or any portion of the property in aid of which the bonds or obligations are issued and such covenants as the municipality shall deem by such resolution to be necessary and proper to secure payment of the bonds or obligations. The bonds or obligations, and the bonds or obligations shall so state on their face, shall not be payable from nor charged upon any funds other than the revenues and property pledged or mortgaged to the payment thereof, nor shall the issuing municipality be subject to any liability thereon or have the powers to obligate itself to pay or pay the bonds or obligations from funds other than the revenues and properties pledged and mortgaged and no holder or holders of the bonds or obligations shall ever have the right to compel any exercise of any taxing power of the issuing municipality or any other public body to pay the principal of or interest on any such bonds or obligations, nor to enforce payment thereof against any property of the municipality or other public body other than that expressly pledged or mortgaged for the payment thereof.

Sec. 8. [APPROPRIATIONS.]

Subdivision 1. The sum of $42,400,000 is appropriated from the state building fund to the commissioner of finance for the purpose of making loans to municipalities for district heating systems pursuant to section 1.

Subd. 2. The sum of $100,000 is appropriated from the general fund to the director of the energy agency for the period ending June 30, 1982, for the purpose of administering loans and grants to municipalities pursuant to section 1. The approved complement of the energy agency is increased by one position.

Subd. 3. The sum of $300,000 is appropriated from the general fund to the director of the energy agency for the purpose of making planning grants to municipalities pursuant to section 1, subdivision 3.

Subd. 4. The sum of $3,900,000 is appropriated from the state building fund to the commissioner of administration to install district heating in the capitol complex.

Subd. 5. The sum of $1,200,000 is appropriated from the state building fund to Moorhead State University to install district heating in its facilities.

Subd. 6. The sum of $2,500,000 is appropriated from the state building fund to the commissioner of finance for the purpose of making loans to develop wood fuel conversion facilities managed by a consortium consisting of Independent School District No. 692, Babbitt, Independent School District No. 696, Ely, and Independent School District No. 708, Tower-Soudan. The loans shall be repaid to the commissioner of finance over a period not to exceed 20 years, with interest at a rate sufficient to cover the cost to the state of borrowing the money. Repayments shall be credited to the state bond fund. The money shall not be loaned until an agreement authorized pursuant to section 471.59 is executed by the boards of the designated districts. The agreement shall include the organization of the consortium, the management, accounting and allocation of money among members of the consortium, and the consortium's plans for fuel conversion, plant retrofitting and energy conservation.

Subd. 7. The appropriations made by subdivisions 1, 3, 4, 5 and 6 are available until expended and shall not cancel pursuant to section 16A.28 or other law.

Sec. 9. [BOND SALE; DEBT SERVICE.]

To provide the money appropriated from the state building fund by section 8, subdivisions 1, 4, 5, and 6, the commissioner of finance upon request of the governor shall sell and issue bonds of the state in an amount up to $50,000,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, Sections 16A.63 to 16A.67, and by the Constitution, Article XI, Sections 4 to 7.

Sec. 10. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Amend the title as follows:

Page 1, line 11, delete "216B, and" and after "465" insert ", and 475"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

REPORT OF VOTE IN COMMITTEE

Pursuant to Rule 60, upon the request of three members, a roll call was taken on the first Ulland amendment to S. F. No. 1096.

There were yeas 3 and nays 5, as follows:

Those who voted in the affirmative were: Belanger, Ulland, Waldorf.

Those who voted in the negative were: Berglin, Dahl, Humphrey, Kroening, Stokowski.

The Ulland amendment was not adopted.

REPORT OF VOTE IN COMMITTEE

Pursuant to Rule 60, upon the request of three members, a roll call was taken on the second Ulland amendment to S. F. No. 1096.

There were yeas 2 and nays 6, as follows:

Those who voted in the affirmative were: Belanger, Ulland.

Those who voted in the negative were: Berglin, Dahl, Humphrey, Kroening, Stokowski, Waldorf.

The Ulland amendment was not adopted.

Mr. Humphrey from the Committee on Energy and Housing, to which was referred

S. F. No. 874: A bill for an act relating to energy; requiring the provision of energy audits for multi-family rental housing; expanding certain utility investment programs; amending Minnesota Statutes 1980, Sections 216B.165, Subdivision 2, and by adding a subdivision; and 216B.241, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 9, insert:

"Section 1. Minnesota Statutes 1980, Section 116H.17, is amended by adding a subdivision to read:

Subd. 2. [RENTAL AUDITS.] *By July 1, 1981, the state plan shall be amended to require that all utilities performing a residential energy audit pursuant to 42 United States Code 8211 et seq. shall make the audits available at the request of the renter or the owner, or the owner's agent, of property eligible for the audits made pursuant to 42 United States Code 8211 et seq. The results of the audit and a list of conservation financing options shall be provided to the renters and the property owner or manager of the property. Each utility shall submit to the director by September 1, 1981, a plan to promote energy audit services to the owners and tenants of rental property through advertising, public service announcements, mailings or other means.*

Sec. 2. Minnesota Statutes 1980, Section 216B.165, Subdivision 1, is amended to read:

Subdivision 1. A customer who asks a public utility to perform an energy audit of his residence pursuant to 42 United States Code 8211 et seq. shall pay no more than $10 of the administrative and general expenses associated with the audit. *In the case of rental housing, the tenant or property owner shall pay no more than $10 per building for the administrative and general expenses associated with the audit.* The remainder of the administrative and general expenses of operating a program of energy audits pursuant to 42 United States Code 8211 et seq., including those associated with program audits, list distribution, customer billing services, arranging services and post-installation inspections shall be treated as current operating expenses of providing utility service and shall be charged to all ratepayers of the public utility in the same manner as other current operating expenses of providing utility service."

Pages 1 and 2, delete section 2

Page 2, delete lines 10 to 15 and insert:

"*Subd. 5.* [RENTAL PROGRAMS.] *Prior to January 1, 1983, the commission may expand the scope of the pilot program required pursuant to subdivision 2 to include investments by each utility in energy conservation*

improvements in rental housing.

Sec. 5. [RULEMAKING.]

The director may promulgate temporary or permanent rules for purposes of section 1.''

Page 2, line 17, delete ''*3*'' and insert ''*5*''

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete lines 2 to 7 and insert:

''relating to energy; requiring the provision of energy audits for certain rental housing; expanding certain utility investment programs; amending Minnesota Statutes 1980, Sections 116H.17, by adding a subdivision; 216B.165, Subdivisions 1 and 2; and 216B.241, by adding a subdivision.''

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Knoll from the Committee on Governmental Operations, to which was referred

S. F. No. 991: A bill for an act relating to social and charitable organizations; increasing the threshold dollar amount required for the use of a certified financial statement; determining what is properly included in cost of goods or services; amending Minnesota Statutes 1980, Sections 309.53, Subdivision 3; and 309.555, Subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 31, delete ''*nor any*'' and insert a period

Page 2, delete lines 32 to 34

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Knoll from the Committee on Governmental Operations, to which was referred

S. F. No. 637: A bill for an act relating to state departments; providing for maintaining museums of Minnesota military history at Fort Snelling and Camp Ripley; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, delete ''*maintaining*'' and insert ''*making capital improvements to*''

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Knoll from the Committee on Governmental Operations, to which was referred

H. F. No. 214: A bill for an act relating to labor; regulating certain steam

engine and boiler operators; exempting certain operators from testing requirements; amending Minnesota Statutes 1980, Section 183.411.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Knoll from the Committee on Governmental Operations, to which was referred

S. F. No. 543: A bill for an act relating to taxation; income; providing depreciation and amortization deductions for the rehabilitation and improvement of historic structures; disallowing expenses, losses and depreciation for the alteration or demolition of historic structures; amending Minnesota Statutes 1980, Sections 290.01, Subdivision 20; and 290.09, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Report adopted.

Mr. Knoll from the Committee on Governmental Operations, to which was referred

S. F. No. 760: A bill for an act relating to occupational and professional licensing; removing the consecutive term restriction from the board of nursing; removing delinquent and non-practicing statuses; providing for nursing permits; repealing outdated statutes; amending Minnesota Statutes 1980, Sections 148.181, Subdivision 2; 148.231, Subdivisions 1, 4, 5, and 6; 148.271; 148.294 and 148.295; repealing Minnesota Statutes 1980, Section 148.231, Subdivision 2.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Knoll from the Committee on Governmental Operations, to which was re-referred

S. F. No. 857: A bill for an act relating to metropolitan government; authorizing the metropolitan council to prepare guidelines relating to the amendment of comprehensive plans; amending Minnesota Statutes 1980, Section 473.864, Subdivision 2.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Knoll from the Committee on Governmental Operations, to which was referred

S. F. No. 990: A bill for an act relating to charitable trusts; transferring responsibility of keeping certain records; amending Minnesota Statutes 1980, Sections 501.75; 501.76; 501.77; and 501.78, Subdivision 4.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

H. F. No. 28: A bill for an act relating to agriculture; prohibiting pension or investment funds from farming or acquiring certain farm land; amending Minnesota Statutes 1980, Section 500.24, Subdivisions 2, 3, 4 and 5.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, delete lines 22 to 26 and insert:

"*(f) "Pension or investment fund" means a pension or employee welfare benefit fund, however organized, a mutual fund, a life insurance company separate account, a common trust of a bank or other trustee established for the investment and reinvestment of money contributed to it, a real estate investment trust, or an investment company as defined in 15 U.S.C. Section 80a-3, but does not include a private pension fund established by a family farm, authorized farm corporation or family farm corporation.*"

Page 6, line 32, after "shareholder" insert a comma

Page 7, line 10, after "No" insert "*pension or investment fund or*"

Page 7, line 18, strike "such"

Page 7, strike lines 19 to 21

Page 7, line 22, strike "1975" and insert "*the year*"

Page 7, line 29, delete the comma and insert "*or*"

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. 495: A bill for an act relating to agriculture; requiring department of agriculture approval and receipt of certain grain storage receipts; regulating the family farm security program; changing terms of members of the family farm advisory council; regulating denaturing of certain food; identifying fur pelts; updating references in the shade tree control law; amending Minnesota Statutes 1980, Sections 17.35, Subdivision 7; 18.023, Subdivision 3a; 31.095; 41.52, Subdivisions 5, 8 and 9; 41.54, Subdivision 2; 41.56, Subdivisions 1 and 2; 41.58, Subdivision 2; 232.06, Subdivision 1; 233.03; 234.02; 236.03; 275.50, Subdivision 6; and 290.08, Subdivision 24; repealing Minnesota Statutes 1980, Section 29.091.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, line 2, delete "*Minnesota Statutes*" and insert " *section 31.05*"

Page 4, line 20, delete "*family farm*"

Page 4, line 23, delete "*persons*" and insert "*person*"

Page 4, line 24, delete the new language

Page 4, line 25, after "rates" insert ", *or by a contract for deed*"

Page 4, after line 33, insert:

"Sec. 7. Minnesota Statutes 1980, Section 41.52, is amended by adding a subdivision to read:

Subd. 11. "Cooperating agency" means any individual, financial institution, state or federal agency, or any other legal entity which executes a

memorandum of understanding with the family farm security program.

Sec. 8. Minnesota Statutes 1980, Section 41.52, is amended by adding a subdivision to read:

Subd. 12. "Memorandum of understanding" means an agreement outlining conditions under which a cooperating agency will provide farm real estate loan funds not to be included under a family farm loan guarantee to applicants."

Page 6, after line 10, insert:

"Sec. 12. Minnesota Statutes 1980, Section 41.56, Subdivision 3, is amended to read:

Subd. 3. [DEFAULT, FILING CLAIM.] Within 90 days of a default on a guaranteed family farm security loan, the lender shall send notice to the applicant stating that the commissioner must be notified if the default continues for 180 days, and the consequences of that default. The lender and the applicant may agree to take any steps reasonable to assure the fulfillment of the loan obligation.

After 180 days from the initial default, if the applicant has not made arrangements to meet his obligation, the lender shall file a claim with the commissioner, identifying the loan and the nature of the default, and assigning to the state all of the lender's security and interest in the loan in exchange for payment according to the terms of the family farm security loan guarantee. In the case of a seller-sponsored loan, the seller may elect to pay the commissioner all sums owed the commissioner by the applicant and retain title to the property in lieu of payment by the commissioner under the terms of the loan guarantee. If the commissioner determines that the terms of the family farm security loan guarantee have been met, he shall authorize payment of state funds to the lender, and shall notify the defaulting party. The state of Minnesota shall then ~~become the holder of the mortgage and~~ *succeed to the interest of the mortgagee or the vendor of the contract for deed.* Taxes shall be levied and paid on the land as though the owner were a natural person and not a political subdivision of the state. The commissioner may, on behalf of the state, commence foreclosure *or termination* proceedings in the manner provided by law.

Sec. 13. Minnesota Statutes 1980, Section 41.56, Subdivision 4, is amended to read:

Subd. 4. [SALE OF DEFAULTED PROPERTY.] In the event that title to the property is acquired by the state, upon conveyance of title to the state and expiration of the period of redemption, the commissioner shall, within 15 days of the expiration of such period, undertake to sell the property by publishing a notice of the impending sale at least once each week for four successive weeks in a legal newspaper and also in a newspaper of general distribution in the county in which the property to be sold is situated. Such notice shall specify the time and place in the county at which the sale will commence, a description of the lots or tracts to be offered, and a general statement of the terms of sale. Except as further provided in this subdivision, the terms and method of sale shall be determined by the commissioner. The commissioner shall sell the property to the highest bidder as determined by taking sealed bids or by public auction, provided that in either event he shall select the successful bidder within 15 days of the date of the last published notice of sale. Bidders shall

submit bid security in the form of a certified check or bid bond in the amount of two percent of their bid price and the successful bidder shall remit the balance of the purchase price to the commissioner within 90 days of the date of sale. Upon remittance of such balance within 90 days of the date of sale, the commissioner shall transfer title to the property , *including any acquired mineral rights,* to the purchaser by quitclaim deed. In the event that the purchaser fails to remit any part of such balance within 90 days of the date of sale, the purchaser shall forfeit all rights to the property and any moneys paid thereon and the state shall recommence the sale process as specified in this subdivision. Proceeds from the sale of a parcel of property obtained by the state pursuant to this section shall be paid into the ~~into the~~ special account authorized in section 41.61, subdivision 1, to the extent that funds from the special account were disbursed according to the terms of the family farm security loan guarantee and into the general fund to the extent that funds were disbursed as payment adjustments by the commissioner. Proceeds in excess of these amounts shall be paid to the lender to the extent that payment to the lender pursuant to the loan guarantee was less than the money due and payable to the lender under the family farm security loan. *Proceeds in excess of these amounts shall be paid to cooperating agencies according to the terms of the family farm security memorandum of understanding.* Additional proceeds, if any, shall be paid into the general fund."

Page 7, line 30, strike "the" and insert "*warehouse*"

Page 7, line 30, strike "of his", delete "*or her*" and strike "warehouse"

Pages 9 and 10, delete section 13 and insert:

"Sec. 17. Minnesota Statutes 1980, Section 234.27, is amended to read:

234.27 [UNIFORM COMMERCIAL CODE TO APPLY.]

All the provisions of article 7 of the uniform commercial code, relative to the negotiation, transfer, sale, or endorsement of warehouse receipts, shall, so far as possible, apply to the negotiation, transfer, sale, or endorsement of the certificates provided for herein.

For the purpose of application of the uniform commercial code:

(a) A certificate authorized by the department which evidences the storing of grain under the provisions of chapter 234 is a document of title as defined in section 336.1-201, clause (15); and

(b) A person who has title to and possession of any grain stored under the provisions of chapter 234 is a warehouseman as defined in section 336.7-102, clause (1)(h)."

Page 10, after line 27, insert:

"Sec. 20. Minnesota Statutes 1980, Section 290.01, Subdivision 20, is amended to read:

Subd. 20. [GROSS INCOME.] Except as otherwise provided in this chapter, the term "gross income," as applied to corporations includes every kind of compensation for labor or personal services of every kind from any private or public employment, office, position or services; income derived from the ownership or use of property; gains or profits derived from every kind of disposition of, or every kind of dealing in, property; income derived from

the transaction of any trade or business; and income derived from any source; except that gross income shall not include "exempt function income" of a "homeowners association" as those terms are defined in Section 528 of the Internal Revenue Code of 1954, as amended through December 31, 1979.

The term "gross income" in its application to individuals, estates, and trusts shall mean the adjusted gross income as computed for federal income tax purposes as defined in the Internal Revenue Code of 1954, as amended through the date specified herein for the applicable taxable year, with the modifications specified in this section.

(i) The Internal Revenue Code of 1954, as amended through December 31, 1974, shall be in effect for the taxable years beginning after December 31, 1974.

(ii) The Internal Revenue Code of 1954, as amended through December 31, 1976, including the amendments made to section 280A (relating to licensed day care centers) in H.R. 3477 as it passed the Congress on May 16, 1977, shall be in effect for the taxable years beginning after December 31, 1976. The provisions of the Tax Reform Act of 1976, P.L. 94-455, which affect adjusted gross income shall become effective for purposes of this chapter at the same time they become effective for federal income tax purposes. Section 207 (relating to extension of period for nonrecognition of gain on sale or exchange of residence) and section 402 (relating to time for making contributions to pension plans of self employed people) of P.L. 94-12 shall be effective for taxable years beginning after December 31, 1974.

The provisions of section 4 of P.L. 95-458, and sections 131, 133, 134, 141, 152, 156, 157, and 405 of P.L. 95-600 (relating to pensions, individual retirement accounts, deferred compensation plans, and to the sale of a residence) shall be effective at the same time that these provisions became effective for federal income tax purposes.

(iii) The Internal Revenue Code of 1954, as amended through December 31, 1979, shall be in effect for taxable years beginning after December 31, 1979.

For taxable years beginning after December 31, 1980 and before January 1, 1983, the provisions of section 404 (relating to partial exclusions of dividends and interest received by individuals) of the Crude Oil Windfall Profit Tax Act of 1980, P.L. 96-223, shall apply.

References to the Internal Revenue Code of 1954 in clauses (a), (b) and (c) following shall mean the code in effect for the purpose of defining gross income for the applicable taxable year.

(a) Modifications increasing federal adjusted gross income. There shall be added to federal adjusted gross income:

(1) Interest income on obligations of any state other than Minnesota or a political subdivision of any other state exempt from federal income taxes under the Internal Revenue Code of 1954;

(2) Interest income on obligations of any authority, commission, or instrumentality of the United States, which the laws of the United States exempt from federal income tax, but not from state income taxes;

(3) Income taxes imposed by this state or any other taxing jurisdiction, to the

extent deductible in determining federal adjusted gross income and not credited against federal income tax;

(4) Interest on indebtedness incurred or continued to purchase or carry securities the income from which is exempt from tax under this chapter, to the extent deductible in determining federal adjusted gross income;

(5) Amounts received as reimbursement for an expense of sickness or injury which was deducted in a prior taxable year to the extent that the deduction for the reimbursed expenditure resulted in a tax benefit;

(6) The amount of any federal income tax overpayment for any previous taxable year, received as refund or credited to another taxable year's income tax liability, proportionate to the percentage of federal income tax that was claimed as a deduction in determining Minnesota income tax for the previous taxable year.

The overpayment refund or credit, determined with respect to a husband and wife on a joint federal income tax return for a previous taxable year, shall be reported on joint or separate Minnesota income tax returns. In the case of separate Minnesota returns, the overpayment shall be reported by each spouse proportionately according to the relative amounts of federal income tax claimed as a deduction on his or her separate Minnesota income tax return for such previous taxable year;

(7) In the case of a change of residence from Minnesota to another state or nation, the amount of moving expenses which exceed total reimbursements and which were therefore deducted in arriving at federal adjusted gross income;

(8) In the case of property disposed of on or after January 1, 1973, the amount of any increase in the taxpayer's federal tax liability under section 47 of the Internal Revenue Code of 1954 to the extent of the credit under section 38 of the Internal Revenue Code of 1954 that was previously allowed as a deduction either under section 290.01, subdivision 20 (b) (7) or under section 290.09, subdivision 24;

(9) Expenses and losses arising from a farm which are not allowable under section 290.09, subdivision 29;

(10) Expenses and depreciation attributable to substandard buildings disallowed by section 290.101;

(11) The amount by which the gain determined pursuant to section 41.59, subdivision 2 exceeds the amount of such gain included in federal adjusted gross income;

(12) To the extent deducted in computing the taxpayer's federal adjusted gross income for the taxable year, losses recognized upon a transfer of property to the spouse or former spouse of the taxpayer in exchange for the release of the spouse's marital rights;

(13) Interest income from qualified scholarship funding bonds as defined in section 103(e) of the Internal Revenue Code of 1954, if the nonprofit corporation is domiciled outside of Minnesota;

(14) Exempt-interest dividends, as defined in section 852(b)(5)(A) of the Internal Revenue Code of 1954, not included in federal adjusted gross income pursuant to section 852(b)(5)(B) of the Internal Revenue Code of 1954, except

for that portion of exempt-interest dividends derived from interest income on obligations of the state of Minnesota, any of its political or governmental subdivisions, any of its municipalities, or any of its governmental agencies or instrumentalities;

(15) The amount of any excluded gain recognized by a trust on the sale or exchange of property as defined in section 641(c)(1) of the Internal Revenue Code of 1954;

(16) An amount equal to one-sixth of any gain from the sale or other disposition of property deducted under sections 1202(a) and 1202(c)(1) of the Internal Revenue Code of 1954;

(17) To the extent not included in the taxpayer's federal adjusted gross income, the amount of any gain, from the sale or other disposition of property having a lower adjusted basis for Minnesota income tax purposes than for federal income tax purposes. This modification shall not exceed the difference in basis. If the gain is considered a long term capital gain for federal income tax purposes, the modification shall be limited to 50 percent of the portion of the gain. This modification is limited to property that qualified for the energy credit contained in section 290.06, subdivision 14, and to property acquired in exchange for the release of the taxpayer's marital rights contained in section 290.14, clause (9);

(18) The amount of any loss from a source outside of Minnesota which is not allowed under section 290.17 including any capital loss or net operating loss carryforwards or carrybacks resulting from the loss; and

(19) The amount of a distribution from an individual housing account which is to be included in gross income as required under clause (c) of section 290.09, subdivision 30.

(b) Modifications reducing federal adjusted gross income. There shall be subtracted from federal adjusted gross income:

(1) Interest income on obligations of any authority, commission or instrumentality of the United States to the extent includible in gross income for federal income tax purposes but exempt from state income tax under the laws of the United States;

(2) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis for Minnesota income tax purposes than for federal income tax purposes, that does not exceed such difference in basis; but if such gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to 50 per centum of the portion of the gain. This modification shall not be applicable if the difference in basis is due to disallowance of depreciation pursuant to section 290.101.

(3) Interest or dividend income on securities to the extent exempt from income tax under the laws of this state authorizing the issuance of the securities but includible in gross income for federal income tax purposes;

(4) Losses, not otherwise reducing federal adjusted gross income assignable to Minnesota, arising from events or transactions which are assignable to Minnesota under the provisions of sections 290.17 to 290.20, including any capital loss or net operating loss carryforwards or carrybacks resulting from the losses;

(5) If included in federal adjusted gross income, the amount of any credit received, whether received as a refund or credit to another taxable year's income tax liability, pursuant to chapter 290A, and the amount of any overpayment of income tax to Minnesota, or any other state, for any previous taxable year, whether the amount is received as a refund or credited to another taxable year's income tax liability;

(6) To the extent included in federal adjusted gross income, or the amount reflected as the ordinary income portion of a lump sum distribution under section 402(e) of the Internal Revenue Code of 1954, notwithstanding any other law to the contrary, the amount received by any person (i) from the United States, its agencies or instrumentalities, the Federal Reserve Bank or from the state of Minnesota or any of its political or governmental subdivisions or from any other state or its political or governmental subdivisions, or a Minnesota volunteer firefighter's relief association, by way of payment as a pension, public employee retirement benefit, or any combination thereof, or (ii) as a retirement or survivor's benefit made from a plan qualifying under section 401, 403, 404, 405, 408, 409 or 409A of the Internal Revenue Code of 1954. The maximum amount of this subtraction shall be $11,000 less the amount by which the individual's federal adjusted gross income, plus the ordinary income portion of a lump sum distribution as defined in section 402(e) of the Internal Revenue Code of 1954, exceeds $17,000. In the case of a volunteer firefighter who receives an involuntary lump sum distribution of his pension or retirement benefits, the maximum amount of this subtraction shall be $11,000; this subtraction shall not be reduced by the amount of the individual's federal adjusted gross income in excess of $17,000;

(7) In the case of property acquired on or after January 1, 1973, the amount of any credit to the taxpayer's federal tax liability under section 38 of the Internal Revenue Code of 1954 but only to the extent that the credit is connected with or allocable against the production or receipt of income included in the measure of the tax imposed by this chapter;

(8) To the extent included in the taxpayer's federal adjusted gross income for the taxable year, gain recognized upon a transfer of property to the spouse or former spouse of the taxpayer in exchange for the release of the spouse's marital rights;

(9) The amount of any distribution from a qualified pension or profit sharing plan included in federal adjusted gross income in the year of receipt to the extent of any contribution not previously allowed as a deduction by reason of a change in federal law which was not adopted by Minnesota law for a taxable year beginning in 1974 or later;

(10) Interest, including payment adjustment to the extent that it is applied to interest, earned by the seller of the property on a family farm security loan executed before January 1, ~~1982~~ *1986* that is guaranteed by the commissioner of agriculture as provided in sections 41.51 to 41.60;

(11) The first $3,000 of compensation for personal services in the armed forces of the United States or the United Nations, and the next $2,000 of compensation for personal services in the armed forces of the United States or the United Nations wholly performed outside the state of Minnesota. This modification does not apply to compensation defined in clause (b)(6);

(12) The amount of any income earned for personal services rendered out-

side of Minnesota prior to the date when the taxpayer became a resident of Minnesota. This modification does not apply to compensation defined in clause (b)(6);

(13) In the case of wages or salaries paid or incurred on or after January 1, 1977, the amount of any credit for employment of certain new employees under sections 44B and 51 to 53 of the Internal Revenue Code of 1954 which is claimed as a credit against the taxpayer's federal tax liability, but only to the extent that the credit is connected with or allocable against the production or receipt of income included in the measure of the tax imposed by this chapter;

(14) In the case of work incentive program expenses paid or incurred on or after January 1, 1979, the amount of any credit for expenses of work incentive programs under sections 40, 50A and 50B of the Internal Revenue Code of 1954 which is claimed as a credit against the taxpayer's federal tax liability, but only to the extent that the credit is connected with or allocable against the production or receipt of income included in the measure of the tax imposed by this chapter;

(15) Unemployment compensation to the extent includible in gross income for federal income tax purposes under section 85 of the Internal Revenue Code of 1954;

(16) To the extent included in federal adjusted gross income, severance pay that may be treated as a lump sum distribution under the provisions of section 290.032, subdivision 5;

(17) The amount of any income or gain which is not assignable to Minnesota under the provisions of section 290.17; and

(18) Minnesota exempt-interest dividends as provided by subdivision 27.

(c) Modifications affecting shareholders of electing small business corporations under section 1372 of the Internal Revenue Code of 1954, or section 290.972 of this chapter.

(1) Shareholders in a small business corporation, which has elected to be so taxed under the Internal Revenue Code of 1954, but has not made an election under section 290.972 of this chapter, shall deduct from federal adjusted gross income the amount of any imputed income from the corporation and shall add to federal adjusted gross income the amount of any loss claimed as a result of stock ownership. Also there shall be added to federal adjusted gross income the amount of any distributions in cash or property made by said corporation to its shareholders during the taxable year.

(2) In cases where the small business corporation has made an election under section 1372 of the Internal Revenue Code of 1954, but has not elected under section 290.972 of this chapter and the corporation is liquidated or the individual shareholder disposes of the stock and there is no capital loss reflected in federal adjusted gross income because of the fact that corporate losses have exhausted the shareholders basis for federal purposes, the shareholders shall be entitled, nevertheless, to a capital loss commensurate to their Minnesota basis for the stock.

(3) In cases where the election under section 1372 of the Internal Revenue Code of 1954 antedates the election under section 290.972 of this chapter and at the close of the taxable year immediately preceding the effective election

under section 290.972 the corporation has a reserve of undistributed taxable income previously taxed to shareholders under the provisions of the Internal Revenue Code of 1954, in the event and to the extent that the reserve is distributed to shareholders the distribution shall be taxed as a dividend for purposes of this act.

Items of gross income includible within these definitions shall be deemed such regardless of the form in which received. Items of gross income shall be included in gross income of the taxable year in which received by a taxpayer unless properly to be accounted for as of a different taxable year under methods of accounting permitted by section 290.07, except that (1) amounts transferred from a reserve or other account, if in effect transfers to surplus, shall, to the extent that the amounts were accumulated through deductions from gross income or entered into the computation of taxable net income during any taxable year, be treated as gross income for the year in which the transfer occurs, but only to the extent that the amounts resulted in a reduction of the tax imposed by this act, and (2) amounts received as refunds on account of taxes deducted from gross income during any taxable year shall be treated as gross income for the year in which actually received, but only to the extent that such amounts resulted in a reduction of the tax imposed by this act.

(d) Modification in computing taxable income of the estate of a decedent. Amounts allowable under section 291.07, subdivision 1, clause (2) in computing Minnesota inheritance or estate tax liability shall not be allowed as a deduction in computing the taxable income of the estate unless there is filed within the time and in the manner and form prescribed by the commissioner a statement that the amounts have not been allowed as a deduction under section 291.07 and a waiver of the right to have the amounts allowed at any time as deductions under section 291.07. The provisions of this paragraph shall not apply with respect to deductions allowed under section 290.077 (relating to income in respect of decedents). In the event that the election made for federal tax purposes under section 642(g) of the Internal Revenue Code of 1954 differs from the election made under this paragraph appropriate modification of the estate's federal taxable income shall be made to implement the election made under this paragraph in accordance with regulations prescribed by the commissioner."

Page 11, line 1, delete "*Section 29.091, is*" and insert " *Sections 29.091 and 234.02, are*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 11, after "9" insert ", and by adding subdivisions"

Page 1, line 11, delete "and 2" and insert ", 2, 3 and 4"

Page 1, line 13, delete "234.02" and insert "234.27"

Page 1, line 13, after "6;" insert "290.01, Subdivision 20;"

Page 1, line 15, delete "Section 29.091" and insert "Sections 29.091 and 234.02"

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 681: A bill for an act relating to education; providing mobility incentives for teachers at the school for the deaf and at the braille and sight-saving school; amending Minnesota Statutes 1980, Section 354.094, Subdivisions 1, 3, 5 and 6; proposing new law coded in Minnesota Statutes, Chapters 128A and 354.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [128A.09] [TEACHER MOBILITY INCENTIVES.]

Subdivision 1. [APPLICATION OF SECTIONS 125.60, 125.611, and 354.66.] *The teacher mobility incentives in sections 125.60 and 125.611 shall apply to teachers at the school for the deaf and the braille and sight-saving school as provided by this section.*

Subd. 2. [TEACHERS.] *Teachers at the school for the deaf and teachers at the braille and sight-saving school are teachers for the purposes of sections 125.60, subdivision 1, and 125.611, subdivision 1.*

Subd. 3. [STATE BOARD OF EDUCATION.] *The state board of education is a school board for the purposes of sections 125.60 and 125.611, except that section 125.60, subdivisions 2a and 7, shall not apply to the state board of education.*

Subd. 4. [SCHOOL DISTRICTS.] *The school for the deaf and the braille and sight-saving school are school districts for the purposes of sections 125.60 and 125.611.*

Subd. 5. [PUBLIC SCHOOLS.] *The school for the deaf and sight-saving school are public elementary and secondary schools for the purposes of sections 125.60 and 125.611.*

Subd. 6. [SUPERVISORS.] *Supervisors at the school for the deaf or the braille and sight-saving school are superintendents for the purposes of section 125.60, subdivision 6b.*

Subd. 7. [PAYMENTS.] *Notwithstanding section 125.611, subdivision 10, the state shall pay 100 percent of the amounts paid as an early retirement incentive to a teacher at the school for the deaf or the braille and sight-saving school.*"

Amend the title as follows:

Page 1, line 4, delete "amending Minnesota"

Page 1, delete line 5

Page 1, line 6, delete "and 6;"

Page 1, line 7, delete "Chapters" and insert "Chapter"

Page 1, line 7, delete "and 354"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Knoll from the Committee on Governmental Operations, to which was

referred

S. F. No. 939: A bill for an act relating to human rights; clarifying the meaning of reprisal; permitting the filing of a charge of unfair discriminatory practice directly in district court; authorizing injunctions for acts of reprisal; increasing the award of punitive damages; permitting the recovery of damages for mental anguish and suffering; amending Minnesota Statutes 1980, Sections 363.03, Subdivision 7; 363.06, Subdivisions 1, 3 and 4; 363.071, Subdivision 2; and 363.14, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 and 2, delete section 1

Page 2, line 10, delete "*5*" and insert "*364.14, subdivision 1(a),*"

Page 2, line 24, strike "charge" and insert "*claim*"

Page 2, line 25, after "*action*" insert "*pursuant to section 363.14, subdivision 1(a),*"

Page 2, line 26, after "filed" insert "*in a charge*"

Page 4, line 5, before "*the*" insert ", *at any time after the filing of a charge,*"

Page 4, line 5, delete "*determines that a reprisal in*" and insert "*has reason to*"

Page 4, line 6, delete the new language and strike "after the"

Page 4, strike line 7

Page 4, line 8, delete "*other*"

Page 4, line 23, before "The" insert "*Except as modified by this section,*"

Page 6, line 16, after "*or*" insert ", *notwithstanding the provisions of any other law to the contrary,*"

Page 6, line 31, delete "*clause*" and insert "*subdivision*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "clarifying the meaning of"

Page 1, line 3, delete "reprisal;"

Page 1, line 9, delete "363.03, Subdivision 7;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe, R. D. from the Committee on Rules and Administration, to which was referred

S. F. No. 315: A bill for an act relating to health; establishing a state advisory council on epilepsy; appropriating money.

Reports the same back with the recommendation that the bill be re-referred to the Committee on Health, Welfare and Corrections. Report adopted.

Mr. Moe, R. D. from the Committee on Rules and Administration, to which was re-referred

S. F. No. 523: A bill for an act relating to the cities of St. Paul and Minneapolis; exempting a certain joint housing bonding program from the provisions of Minnesota Statutes, Section 462C.07, Subdivision 2.

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 re-referred

S. F. No. 763: A bill for an act relating to the cities of Minneapolis and St. Paul; authorizing the implementation of energy conservation programs; authorizing the financing of residential energy conservation programs; authorizing the issuance of qualified mortgage bonds.

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 re-referred

S. F. No. 808: A bill for an act relating to the city of Duluth; authorizing the establishment of a home energy conservation program as part of its municipal utility system and the issuance of municipal revenue bonds or notes for that purpose; requiring a report to the legislature.

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 re-referred

S. F. No. 903: A bill for an act relating to the city of Minneapolis; providing for amendment of certain special revenue obligations; amending Laws 1975, Chapter 188, Section 3, 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

House Concurrent Resolution No. 2: A House concurrent resolution relating to joint rules; adopting permanent joint rules of the Senate and House of Representatives.

BE IT RESOLVED by the House of Representatives, the Senate concurring therein:

The joint rules of the Senate and House of Representatives for the 72nd session of the Legislature shall read as follows:

JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES

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ARTICLE I: JOINT CONVENTIONS

HOW GOVERNED

Rule 1.01. The Speaker of the House shall preside at all Conventions of the two houses of the Legislature and shall call the members to order. The Chief Clerk of the House shall be the Secretary and the Sergeant at Arms of the House shall be the Sergeant at Arms of the Convention.

PRESIDENT'S DUTIES

Rule 1.02. The President of the Convention shall preserve order and decorum. He may speak on all points of order in preference to other members and shall decide questions of order, subject to an appeal to the Convention by any member. He shall rise to put a question but may state it while seated.

PRESIDENT'S RIGHT TO VOTE

Rule 1.03. The President shall have the right to vote in all cases except appeals from his decisions. He shall vote last on all questions.

STATING QUESTIONS

Rule 1.04. Questions shall be put to the Convention in the following form: "As many as are of the opinion that (the question) shall pass, say 'Aye.'" After an affirmative vote is expressed the nays shall be called as follows: "As many as are of the contrary opinion, say 'No.'" If the President is in doubt or a division is called, those in the affirmative shall rise first and those in the negative afterward.

ORDER OF DEBATE

Rule 1.05. When any member wishes to speak to the Convention on any matter, he shall rise and respectfully address the President, and not speak further until recognized. He shall confine himself to the question under debate and avoid personal remarks. When two or more members rise at the same time, the President shall designate the member to speak first. No member shall speak more than twice on the same question without permission of the Convention.

CALLING MEMBER TO ORDER

Rule 1.06. If any member of the Joint Convention is called to order for offensive words in debate, the member calling him to order shall report the words to which exception is taken and the Secretary shall record them. No member may be called to order for any language used in debate if exception is not taken before any other member has spoken or any other business has taken place. A member called to order shall immediately sit down unless another member moves to permit him to explain. In any case, the Joint Convention, if appealed to, shall decide without debate. Only if the decision is in favor of the member called to order shall he be at liberty to proceed.

CALL OF THE CONVENTION

Rule 1.07. Five members may demand a call of the Convention at any time except after voting has commenced. When such a call is demanded, the doors shall be closed, the roll shall be called, the absent members shall be sent for, and no member may be permitted to leave the Chamber, unless excused by the President, until the call is lifted. Proceedings under the roll call may be suspended by a majority vote of all the members of the Convention. A call of the Convention may be lifted by a majority vote of all the members of the Convention.

ELECTIONS

Rule 1.08. In all elections by the Joint Convention, members shall vote viva voce and the role of Senate members shall be called first. Whenever there is an election of any officer in Joint Convention, the result shall be certified by the President of the Senate and the Speaker of the House and announced by them to their respective houses. The result shall be entered on the Journal of each house and communicated to the Governor by the Secretary of the Convention.

NO SMOKING

Rule 1.09. No person is permitted to smoke in the Chamber or in the gallery during a Joint Convention.

PARLIAMENTARY PROCEDURE

Rule 1.10. The rules of the House shall be the Rules of the Joint Convention of both houses in all cases in which the foregoing rules are not applicable.

ARTICLE II: BILLS

FORM

Rule 2.01. The title of each bill shall clearly state its subject and briefly state its purpose. When a bill amends or repeals an existing act, the title shall refer to the chapter, section or subdivision.

Reference shall be made to Minnesota Statutes for the provisions appearing therein unless reference to previous session laws is required for some special reason.

Bills shall refer to Minnesota Statutes as follows:

"Minnesota Statutes ....., Section ....."

Bills shall refer to the session laws as follows:

"Laws ....., Chapter ....., Section ....."

A bill for the amendment of a statute shall contain the full text of the section or subdivision to be amended as it appears in the latest edition of Minnesota Statutes unless it has been amended ~~at a later session~~, in which event it shall contain the full text as amended.

The words and characters constituting the amending matter shall be inserted in the proper place in the text and underscored. The words and characters to be eliminated by the amendment shall be stricken by drawing a line through them. The text of a new section or subdivision shall also be underscored when a bill amends an existing chapter or section by adding a new section or subdivision. In the omnibus appropriation bills required by Joint Rule 2.02, sections making an appropriation or transfer and not amending a statute or session law need not have new material underscored. Before a committee favorably reports upon a bill, the chairman of the committee shall see that the bill conforms to this rule. ~~Printed bills shall be in the same form.~~ When a bill is printed in the Journal, the new matter shall be in italics or underscored and the matter to be eliminated shall be capitalized and in parentheses or stricken by drawing a line through it. A bill drafted by the Revisor of Statutes for the purposes of correcting errors in Minnesota Statutes need not comply with the provisions of this paragraph if the bill is labeled "REVISOR'S BILL" immediately below the title, and if there is attached thereto a memorandum of information explaining the reasons for the bill.

If the bill is for an original law and not for an amendment of an existing law, the sections and subdivisions shall be arranged, subdivided, and numbered in like manner as Minnesota Statutes. If such a bill assigns to the sections thereof headnotes or identification by the decimal system of numbering used in Min-

nesota Statutes, such headnotes and decimal identification may be submitted by standing committee chairmen to the Revisor of Statutes for examination. Any such headnotes shall be capital letters enclosed in brackets, and shall be subject to the provisions of Minnesota Statutes, Section 648.36.

All numbers in titles shall be expressed in figures. All numbers of section or chapter of law shall be in figures. In the body of a bill numbers in excess of ten shall be in figures, except for a special reason they may be written, but when written they shall not be followed by numbers or parentheses.

APPROPRIATING MONEY

Rule 2.02. The same bill shall not appropriate public money or property to more than one local or private purpose.

No clause appropriating money for a local or private purpose shall be contained in a bill appropriating money for the State government or public institutions. All resolutions authorizing the issuing of abstracts by the Secretary of the Senate or the Chief Clerk of the House for the payment of money shall be upon the call of "yeas" and "nays."

In odd-numbered years, at least twenty calendar days prior to the ~~adjournment of~~ *last day* the Legislature *can meet in regular session* [April 28, 1981], the Committee on Finance of the Senate and the Committee on Appropriations of the House shall report to their respective houses, unless directed by concurrent resolution to report different appropriation bills, eight separate appropriation bills as follows:

(a) A bill appropriating money for the general administrative and judicial expenses of the State government for the succeeding two fiscal years including salaries, office expenses and supplies and other necessary expenses connected therewith;

(b) A bill covering all appropriations relating to public welfare, health and corrections for the support and maintenance of all State penal and charitable institutions, and other institutions of the State except educational for the two succeeding fiscal years;

(c) A bill appropriating money for the support and maintenance of all State educational institutions for the two succeeding fiscal years;

(d) A bill covering all appropriations providing for the payment of claims against the State of Minnesota which may have been allowed by the Finance Committee of the Senate or the Appropriations Committee of the House;

(e) A bill covering all appropriations made for semi-state activities;

(f) A bill covering all appropriations for construction and major rehabilitation of public buildings to be financed by issuance of bonds;

(g) A bill covering all appropriations for maintenance, repair, and minor rehabilitation and construction of public buildings; and

(h) A bill covering appropriations for the department of transportation.

No other appropriations shall be contained in any of said bills but all other appropriations shall be contained in separate bills.

DEADLINES

Rule 2.03. *(a)* In ~~1978~~ *odd-numbered years*, committee reports on bills favorably acted upon by a committee in the house of origin after *the fifth* Friday~~, March 3~~ *prior to the last Friday on which the Legislature can meet in regular session* [April 10, 1981], and committee reports on bills originating in the other house favorably acted upon by a committee after *the third* Friday~~, March 10~~ *prior to the last Friday on which the Legislature can meet in regular session* [April 24, 1981] shall be referred in the Senate to the Committee on Rules and Administration, and in the House of Representatives to the Committee on Rules and Legislative Administration for disposition. Referral is not required when a committee after ~~March 3~~ *the earlier date* and by ~~March 10~~ *the later date set by this paragraph* acts on a bill that is a companion to a bill that has met the ~~March 3~~ *earlier* deadline in the other house. This rule does not apply to the Senate Committees on Finance and on Taxes and Tax Laws, and the House Committees on Appropriations and on Taxes.

Conference committees on the major appropriation bills specified in Joint Rule 2.02 shall have their reports on the members' desks by ~~Tuesday, March 14~~ *the last Thursday on which the Legislature can meet in regular session* [May 14, 1981]. After ~~Wednesday, March 15~~ *the last Friday on which the Legislature can meet in regular session* [May 15, 1981], neither house shall act on bills other than those contained in:

(~~a~~ *1*) Reports of conference committees;

(~~b~~ *2*) Messages from the other house;

(~~c~~ *3*) Reports of the Committee on Rules and Administration in the Senate or the Committee on Rules and Legislative Administration in the House; or

(~~d~~ *4*) Messages from the governor.

(b) In even-numbered years the Legislature shall establish by concurrent resolution deadlines comparable to those set by paragraph (a) based on the date intended to be the date of adjournment sine die.

AMENDING BILLS ORIGINATING IN OTHER HOUSE

Rule 2.04. Either house shall have the power to amend any bill, memorial, or resolution passed by the other house.

RECEDING FROM POSITION

Rule 2.05. Prior to a conference committee on any matter, either house may recede from its position on any difference existing between the two houses. In order to recede, and if the matter is not in the possession of a house, that house shall request return of the matter from the other house. To recede, a majority of a house shall govern, except in cases otherwise provided in the Constitution. If the question is put and lost, it shall not be put again on the same day. A reconsideration of the question shall in all respects be regulated by the rules of that house.

CONFERENCE COMMITTEES

Rule 2.06. In all cases of disagreement between the Senate and House on amendments adopted by either house to a bill, memorial or resolution passed by the other house, a Conference Committee consisting of not less than three

members nor more than five members from each house may be requested by either house. The other house shall appoint a similar committee.

The manner of procedure shall be as follows: The house of origin passes a bill and transmits it to the other body. If the other body adopts an amendment to the bill and passes it as amended, it shall return the bill with a record of its actions to the house of origin. If the house of origin refuses to concur in the amendment, it shall ask for a conference committee, appoint such a committee on its part, and transmit the bill with a record of its action to the other house. If the other house adheres to its amendment, it shall appoint a like committee and return the bill to the house of origin.

At an agreed upon hour the conference committee shall meet. The members from each house shall state to the members from the other house, orally or in writing, the reason for their respective positions. The members shall confer thereon and shall report to their respective houses the agreement they have reached, or, if none, the fact of a disagreement. ~~Within seven calendar days after the appointment of a conference committee, and every seven calendar days thereafter until such time as the conference committee is discharged, the conference committee shall report its progress to each house.~~ If an agreement is reported, the house of origin shall act first upon the report. If the report is adopted and repassed as amended by the conference committee by the house of origin, the report, the bill and a record of its action shall be transmitted to the other house.

All Conference Committees shall be open to the public. Meetings of Conference Committees shall be announced as far in advance as practical.

Except ~~on the last two days on which a bill may be passed in any year~~ *after the last Thursday on which the Legislature can meet in regular session in odd-numbered years* [May 14, 1981], *and after the last Thursday on which the Legislature intended, when it adopted the concurrent resolution required by Rule 2.03, paragraph (b), to meet in regular session in even-numbered years*, a written copy of a report of a Conference Committee shall be placed on the desk of each member of a house twelve hours before action on the report by that house. If the report has been reprinted in the Journal of either house for a preceding day and is available to the members, the Journal copy shall serve as the written report.

ENROLLMENT AND SIGNATURE

Rule 2.07. After a bill or memorial has been passed by both houses, it shall be carefully and properly enrolled by the Revisor of Statutes under the direction of the Secretary of the Senate for a matter originating in the Senate or the Chief Clerk of the House for a matter originating in the House. The Revisor of Statutes shall obtain the signatures and certificates of the proper officers to the enrolled copy of the bill or memorial and present it to the Governor for his approval.

A bill or memorial may be prepared for presentation to the Governor on good quality paper approximately 8 1/2" x ~~13~~ *14* " in size and may be produced by means of a copying machine. An enrolled bill shall be labeled "An Act" and it shall be identical to the bill passed by the Legislature. An enrolled bill which is amendatory of any existing law or constitutional provi-

sion shall indicate deletions and additions in the manner provided in Rule 2.01 for printed bills.

ARTICLE III: GENERAL PROVISIONS

SUSPENSION OF JOINT RULES

Rule 3.01. Either house may suspend the Joint Rules of the Senate and House by a vote of two-thirds of its members.

ODD YEAR SESSION ADJOURNMENT

Rule 3.02. Adjournment of the regular session in any odd-numbered year to a date certain in the following year shall be equivalent to daily adjournment, except that upon adjournment in any odd-numbered year to a date certain in the following year:

(a) Any bill being considered by a conference committee shall be returned to the house of origin, laid on the table, and the conference committee shall be discharged;

(b) Any bill referred to the Committee on Rules and Administration in the Senate or the Committee on Rules and Legislative Administration in the House pursuant to Joint Rule 2.03 shall be returned to the standing committee to which it was last previously referred; and

(c) Any bill returned by the Governor to the house of origin with his objections following such adjournment shall be laid on the table.

INTERIM COMMITTEE AND COMMISSION REPORTS

Rule 3.03. Except as otherwise provided by law, the report of any interim committee or commission to the Legislature shall be submitted on paper 8 1/2" x 11" in size, *spiral bound, stapled, or* punched on the left edge to fit a standard size three ring binder intended for that size paper. A brief summary of the recommendations of the commission or committee shall appear first and be clearly separated from its findings, discussions, and exhibits. If the report contains legislative recommendations, a copy of any proposed legislation, particularly if extensive in character, shall if possible be attached as an exhibit at the end of the report.

Reports the same back with the recommendation that the resolution be adopted.

Mr. Moe, R. D. moved that the foregoing resolution and the committee report thereon be laid on the table. The motion prevailed.

SECOND READING OF SENATE BILLS

S. F. Nos. 475, 718, 535, 707, 476, 574, 822, 964, 982, 1044, 1086, 627, 874, 991, 760, 857, 990, 939, 523, 763, 808 and 903 were read the second time.

SECOND READING OF HOUSE BILLS

H. F. Nos. 214 and 28 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Stern moved that the name of Mr. Frank be stricken as co-author to S. F. No. 941. The motion prevailed.

Mr. Stern moved that his name be stricken as chief author, shown as co-author and Ms. Berglin be shown as chief author to S. F. No. 941. The motion prevailed.

Mr. Hughes moved that the name of Mr. Ramstad be added as co-author to S. F. No. 1105. The motion prevailed.

Mr. Waldorf moved that the names of Messrs. Chmielewski; Moe, D.M.; Knoll and Pehler be added as co-authors to S. F. No. 1107. The motion prevailed.

Mr. Sikorski moved that the name of Mr. Stern be added as co-author to S. F. No. 1213. The motion prevailed.

Mr. Hanson moved that S. F. No. 1086 be stricken from General Orders and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Knoll moved that S. F. No. 939 be stricken from General Orders and re-referred to the Committee on Judiciary. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Lindgren, Stumpf, Rued and Dicklich introduced—

S.F. No. 1232: A bill for an act relating to education; making certain changes to the higher education advisory council; amending Minnesota Statutes 1980, Section 136A.02, Subdivision 6.

Referred to the Committee on Education.

Messrs. Dicklich and Johnson introduced—

S.F. No. 1233: A bill for an act relating to game and fish; authorizing doe permits in designated areas and seasons; amending Minnesota Statutes 1980, Section 98.48, by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Vega, Dicklich and Kroening introduced—

S.F. No. 1234: A bill for an act relating to public employment labor relations; clarifying the definition of "employer"; amending Minnesota Statutes 1980, Section 179.63, Subdivision 4.

Referred to the Committee on Public Employees and Pensions.

Ms. Berglin, Messrs. Pehler and Johnson introduced—

S.F. No. 1235: A bill for an act relating to local government aid; increasing the amount and providing for the distribution of aids to local government;

appropriating money; amending Minnesota Statutes 1980, Sections 16A.15, Subdivision 1, as amended; 477A.01, Subdivisions 2 and 4; and 477A.03; repealing Minnesota Statutes 1980, Section 477A.01, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Pehler and Johnson introduced—

S.F. No. 1236: A bill for an act relating to taxation; altering the penalty to be imposed upon assessment districts having large coefficients of dispersion; amending Minnesota Statutes 1980, Section 477A.04, Subdivisions 1, 2, and 3.

Referred to the Committee on Taxes and Tax Laws.

Ms. Berglin and Mr. Johnson introduced—

S.F. No. 1237: A bill for an act relating to taxation; extending the special levy for shade tree disease control by two years; amending Minnesota Statutes 1980, Section 275.50, Subdivision 6.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Dieterich; Dahl; Dicklich; Peterson, D.L. and Hughes introduced—

S.F. No. 1238: A bill for an act relating to education; providing a state aid incentive for class size reductions in kindergarten through twelfth grade; proposing new law coded in Minnesota Statutes, Chapter 124.

Referred to the Committee on Education.

Messrs. Moe, D.M. and Spear introduced—

S.F. No. 1239: A bill for an act relating to the operation of state government; authorizing the state board of investment to employ investment management firms to invest certain funds on its behalf; appropriating money; amending Minnesota Statutes 1980, Section 11A.04.

Referred to the Committee on Public Employees and Pensions.

Mr. Lessard introduced—

S.F. No. 1240: A bill for an act relating to courts; providing that district judges shall elect a chief judge and that county or county municipal judges shall elect a chief judge; amending Minnesota Statutes 1980, Section 484.69, Subdivision 3, and by adding a subdivision; repealing Minnesota Statutes 1980, Section 484.69, Subdivisions 1 and 2.

Referred to the Committee on Judiciary.

Mr. Dicklich introduced—

S.F. No. 1241: A bill for an act relating to Independent School District No. 706; permitting issuance of bonds for the construction, equipment, and furnishing of a physical education building and the levying of taxes for their payment.

Referred to the Committee on Education.

Messrs. Davis and Bertram introduced—

S.F. No. 1242: A bill for an act relating to state government; encouraging energy saving suggestions from employees.

Referred to the Committee on Energy and Housing.

Ms. Berglin introduced—

S.F. No. 1243: A bill for an act relating to handicapped persons; providing that certain social services be available to recipients of attendant care; proposing new law coded in Minnesota Statutes, Chapter 256C.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Johnson introduced—

S.F. No. 1244: A bill for an act relating to taxation; property; altering the taxation of certain lands owned by the United States and leased for a term of three or more years; amending Minnesota Statutes 1980, Section 273.19, Subdivision 1, and by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Langseth and Schmitz introduced—

S.F. No. 1245: A bill for an act relating to retirement; recalculation of survivor benefits payable to the surviving spouse of a deceased member of the teachers retirement association.

Referred to the Committee on Public Employees and Pensions.

Messrs. Schmitz and Pillsbury introduced—

S.F. No. 1246: A bill for an act relating to local and metropolitan government; regulating transportation planning and zoning; allowing official maps to show state trunk highway corridors; permitting loans by the metropolitan council for the purpose of purchasing certain highway rights-of-way under certain conditions; authorizing a tax levy in the metropolitan area; amending Minnesota Statutes 1980, Sections 394.22, Subdivision 12; 462.352, Subdivision 10; and 473.167.

Referred to the Committee on Transportation.

Mr. Willet introduced—

S.F. No. 1247: A bill for an act relating to education; permitting districts to purchase insurance coverage for the operation of leased buses in certain circumstances; amending Minnesota Statutes 1980, Section 123.39, Subdivisions 8 and 9 and by adding a subdivision.

Referred to the Committee on Education.

Messrs. Belanger, Pehler, Davis, Benson and Stern introduced—

S.F. No. 1248: A bill for an act relating to local improvements; regulating the issuance of temporary improvement bonds; amending Minnesota Statutes 1980, Section 429.091, Subdivision 3, and by adding subdivisions.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Keefe, Luther, Ramstad and Knoll introduced—

S.F. No. 1249: A bill for an act relating to courts; providing for continuation of juvenile and family court referees in the second and fourth judicial districts until the positions are vacated; providing for creation of juvenile and family court judgeships in the second and fourth judicial districts; providing for the duties and powers of family court referees in the second and fourth judicial districts; providing for continuation of probate court referee positions in the second and fourth judicial districts; providing for the continuation of certain other referee and judicial officer positions; amending Minnesota Statutes 1980, Sections 260.031, Subdivision 1, and by adding a subdivision; 484.64; 484.70, Subdivisions 1 and 3; 487.08, Subdivisions 2, 3 and 4; 525.10; Laws 1980, Chapter 580, Section 23; repealing Minnesota Statutes 1980, Section 484.65.

Referred to the Committee on Judiciary.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:30 a.m., Wednesday, April 8, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRTY-FIRST DAY

St. Paul, Minnesota, Wednesday, April 8, 1981

The Senate met at 11:30 a.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Marvin Sandness.

The roll was called, and the following Senators answered to their names:

Ashbach	Dieterich	Kronebusch	Peterson, C.C.	Stern
Belanger	Engler	Langseth	Peterson, D.L.	Stokowski
Benson	Frank	Lantry	Peterson, R.W.	Stumpf
Berg	Frederickson	Lindgren	Petty	Taylor
Berglin	Hanson	Luther	Ramstad	Tennessen
Bernhagen	Hughes	Merriam	Renneke	Ulland
Bertram	Humphrey	Moe, D.M.	Rued	Vega
Brataas	Johnson	Moe, R.D.	Schmitz	Waldorf
Chmielewski	Keefe	Nelson	Setzepfandt	Wegener
Dahl	Knoll	Olhoft	Sieloff	Willet
Davies	Knutson	Pehler	Solon	
Davis	Kroening	Penny	Spear	

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. Bang, Dicklich, Frederick, Lessard, Menning, Pillsbury, Purfeerst and Sikorski were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

April 3, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S. F. Nos. 8 and 30.

Sincerely Yours,

Albert H. Quie, Governor

April 6, 1981

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

The Honorable Jack Davies
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1981 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1981	Date Filed 1981
8		16	April 3	April 6
30		17	April 3	April 6
	38	18	April 3	April 6
	77	19	April 3	April 6
	183	20	April 3	April 6
	496	21	April 3	April 6

Sincerely,

Joan Anderson Growe
Secretary of State

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Chmielewski from the Committee on Employment, to which was referred

S. F. No. 734: A bill for an act relating to economic development; providing grants to colleges and universities receiving federal small business management grants; 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. Davies from the Committee on Judiciary, to which was referred

S. F. No. 272: A bill for an act relating to public welfare; requiring certain facilities to safeguard the well-being and safety of persons in their care; providing for penalties; proposing new law coded in Minnesota Statutes, Chapter 245.

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 1980, Section 626.556, Subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] As used in this section, the following terms have the meanings given them unless the specific content indicates otherwise:

(a) "Sexual abuse" means the subjection by the child's parents, guardian, or person responsible for the child's care, to any act which constitutes a violation of sections 609.342, 609.343, 609.344, or 609.345. Sexual abuse also includes any act which involves a minor which constitutes a violation of sections 609.321 to 609.324 or 617.246.

(b) "Neglect" means failure by a parent, guardian or other person responsible for a child's care to supply a child with necessary food, clothing, shelter or medical care when reasonably able to do so or failure to protect a child from conditions or actions which imminently and seriously endanger the child's physical or mental health when reasonably able to do so. Nothing in this section shall be construed to mean that a child is neglected solely because the child's parent, guardian or other person responsible for his care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child.

(c) "Physical abuse" means:

(i) Any physical injury inflicted by a parent, guardian or other person responsible for the child's care on a child other than by accidental means; or

(ii) Any physical injury that cannot reasonably be explained by the history of injuries provided by a parent, guardian or other person responsible for the child's care.

(d) "Report" means any report received by the local welfare agency, police department or county sheriff pursuant to this section.

(e) "Facility" means a day care facility or a residential facility as defined in section 245.782.

(f) "Operator" means an operator or agency as defined in section 245.782.

Sec. 2. Minnesota Statutes 1980, Section 626.556, is amended by adding a subdivision to read:

Subd. 12. [DUTIES OF FACILITY OPERATORS.] *Any operator, employee, or volunteer worker at any facility who intentionally neglects, physically abuses, or sexually abuses any child in the care of that facility may be charged with a violation of section 609.23. Any operator of a facility who knowingly permits conditions to exist which result in neglect, physical abuse, or sexual abuse of a child in the care of that facility may be charged with a violation of section 609.23.*

Sec. 3. Minnesota Statutes 1980, Section 626.557, Subdivision 19, is amended to read:

Subd. 19. [PENALTY.] Any caretaker, as defined in subdivision 2, or operator or employee thereof, or volunteer worker thereat, who intentionally abuses or neglects a vulnerable adult, or being a caretaker, *knowingly* permits conditions to exist which result in the abuse or neglect of a vulnerable adult, may be charged with a violation of section 609.23."

Amend the title as follows:

Page 1, delete lines 2 to 6 and insert:

"relating to children; prohibiting neglect and abuse of children; amending Minnesota Statutes 1980, Sections 626.556, Subdivision 2, and by adding a

subdivision; and 626.557, Subdivision 19."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 692: A bill for an act relating to Ramsey County; stating positions in the unclassified county service; placing employees of the judicial district administrator's office in the unclassified service; amending Laws 1974, Chapter 435, Section 3.02, Subdivision 6, as amended.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 533: A bill for an act relating to crimes; authorizing law enforcement agencies in municipalities with less than 25,000 inhabitants to seize property unlawfully used in connection with controlled substance violations; amending Minnesota Statutes 1980, Section 152.01, Subdivision 17.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 12, strike "STATE"

Page 1, lines 15 and 16, reinstate the stricken language

Page 1, line 16, strike "25,000" and insert "*2,500*"

Amend the title as follows:

Page 1, line 3, delete "less than 25,000" and insert "more than 2,500"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government and Urban Affairs, to which was referred

S. F. No. 1118: A bill for an act relating to local government; removing a limit on advertising budgets of certain statutory cities; amending Minnesota Statutes 1980, Section 465.56, Subdivision 1; repealing Minnesota Statutes 1980, Section 465.56, Subdivision 2.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Wegener from the Committee on Local Government and Urban Affairs, to which was referred

S. F. No. 863: A bill for an act relating to natural resources; authorizing the soil and water conservation board to purchase certain insurance; appropriating money; amending Minnesota Statutes 1980, Section 40.03, Subdivision 4.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Wegener from the Committee on Local Government and Urban Affairs, to which was referred

S. F. No. 576: A bill for an act relating to the city of East Grand Forks;

permitting the city to acquire and develop certain land for industrial purposes.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Wegener from the Committee on Local Government and Urban Affairs, to which was referred

S. F. No. 771: A bill for an act relating to Otter Tail county; authorizing the county board to grant certain powers for a district created under Minnesota Statutes, Chapter 116A.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Wegener from the Committee on Local Government and Urban Affairs, to which was referred

H. F. No. 829: A bill for an act relating to counties; concerning Anoka county; providing for a seven member board of commissioners; amending Minnesota Statutes 1980, Section 375.01.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, after the period, insert "*Any other county with a population of 100,000 or more according to the last federal decennial census may by resolution of its county board provide for a seven-member board of county commissioners. A certified copy of the resolution of the county board of any county choosing to exercise this option shall be transmitted to the secretary of state, and the county commissioner districts shall be redistricted by the county board in accordance with section 375.025.*"

Amend the title as follows:

Page 1, line 2, delete "concerning Anoka county;"

Page 1, line 3, before the semicolon, insert "in certain counties"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 726: A bill for an act relating to insurance; modifying the definition of a covered claim for purposes of the state's insurance guaranty association act; amending Minnesota Statutes 1980, Section 60C.09, Subdivision 1.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 513: A bill for an act relating to interest; regulating rates of interest on loans for business and agricultural transactions and loans made by agricultural credit corporations; removing certain deficiencies and ambiguities; amending Minnesota Statutes 1980, Sections 334.011, Subdivision 1; and 334.061.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 9, insert:

"Section 1. Minnesota Statutes 1980, Section 334.01, Subdivision 2, is amended to read:

Subd. 2. A contract for the loan or forbearance of money, goods, or things in action, in the amount of $100,000 or more, *and any extensions, including extensions of installments and related changes in the terms thereof,* shall be exempt from the provisions of this chapter and the interest for ~~such~~ ~~an~~ *the* indebtedness shall be at the rate of $6 upon $100 for a year, unless a different rate is contracted for in writing."

Page 1, line 19, strike "four and one-half" and insert "*five*"

Page 2, line 18, delete "*four and one-half*" and insert "*five*"

Page 2, line 23, delete "*and 2*" and insert "*to 3*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "clarifying the usury exemption on certain loans;"

Page 1, line 2, delete "regulating" and insert "increasing"

Page 1, line 6, after "Sections" insert "334.01, Subdivision 2;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 268: A bill for an act relating to insurance; regulating suicide provisions in life insurance contracts; proposing new law coded in Minnesota Statutes, Chapter 61A.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

H. F. No. 258: A bill for an act relating to commerce; allowing the manufacture, sale, and shipment of gambling devices for use in other states; amending Minnesota Statutes 1980, Sections 349.31, Subdivision 1; 609.75, Subdivision 1; 609.76; proposing new law coded in Minnesota Statutes, Chapter 349.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 21, delete "*out of*" and insert "*in jurisdictions where use of the gambling device is legal*"

Page 1, line 22, delete "*the state*"

Page 2, line 1, delete "*out of the*" and insert "*in jurisdictions where use of the gambling device is legal*"

Page 2, line 2, delete "*state*"

Amend the title as follows:

Page 1, line 3, delete "other" and insert "jurisdictions where use of the gambling device is legal"

Page 1, line 4, delete "states"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

H. F. No. 168: A bill for an act relating to motor vehicle carriers; providing procedures for granting permits to courier service carriers in certain cases; amending Minnesota Statutes 1980, Section 221.121, Subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete section 1 and insert:

"Section 1. [COURIER SERVICES CARRIER PERMIT.]

Notwithstanding the provisions of section 221.121, for 180 days following enactment of this section, the commission shall issue a courier services carrier permit without a hearing to all petitioners who apply for a permit. These petitions shall not be subject to contest or to the requirement that the area to be served has a need for the transportation services requested in the petition and that existing permit and certificated carriers in the area to be served have failed to demonstrate that they offer sufficient transportation services to meet fully and adequately those needs."

Amend the title as follows:

Page 1, line 4, delete "; amending Minnesota Statutes" and insert a period

Page 1, delete line 5

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

H. F. No. 371: A bill for an act relating to insurance; prohibiting insurance companies which offer funeral or burial expense policies from designating as beneficiaries under the policies persons who provide funeral or burial services and supplies; removing the prohibition against an insurance company's affiliation with a funeral establishment; proposing new law coded in Minnesota Statutes, Chapter 72A; repealing Minnesota Statutes 1980, Section 72A.321.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 24, after "*fee*" insert ", *commission or other reimbursement*"

Page 2, line 1, after "*may*" insert "*not*"

Page 2, line 1, after "*receive*" insert "*payment other than*"

Page 2, line 1, delete "*its*" and insert "*reasonable*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Public Employees and Pensions, to which

was referred

S. F. No. 388: A bill for an act relating to public employment; altering the definition of supervisors in public sector collective bargaining; amending Minnesota Statutes 1980, Section 179.63, Subdivision 9a; repealing Minnesota Statutes 1980, Section 179.63, Subdivision 9.

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 1980, Section 179.63, Subdivision 9, is amended to read:

Subd. 9. "Supervisory employee", when the reference is to other than essential employees as defined in subdivision 11, means any person having authority in the interests of the employer to hire, transfer, suspend, promote, discharge, assign, reward or discipline other employees or responsibly to direct them or adjust their grievances on behalf of the employer~~, or to effectively recommend any of the aforesaid actions~~, if in connection with the foregoing the exercise of such authority is not merely routine or clerical in nature but requires the use of independent judgment. Any determination of "supervisory employee" may be appealed to the public employment relations board.

Sec. 2. Minnesota Statutes 1980, Section 179.71, Subdivision 3, is amended to read:

Subd. 3. The director shall determine appropriate units, except where appropriate units are defined by section 179.741. In determining the appropriate unit he shall take into consideration, along with other relevant factors, the principles and the coverage of uniform comprehensive position classification and compensation plans of the employees, involvement of professions and skilled crafts and other occupational classifications, relevant administrative and supervisory levels of authority, geographical location, and the recommendation of the parties, and shall place particular importance upon the history and extent of organization and the desires of the petitioning employee representatives.

In addition, with regard to the inclusion or exclusion of supervisory employees, the director must find that an employee may perform ~~or effectively recommend~~ a majority of those functions referred to in section 179.63, subdivision 9 or 9a, before an employee may be excluded as supervisory. However, in every case the administrative head, and his assistant, of a municipality, municipal utility, police or fire department shall be considered a supervisory employee.

He shall not designate an appropriate unit which includes employees subject to section 179.63, subdivision 11, with employees not included in section 179.63, subdivision 11.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment."

Amend the title as follows:

Page 1, delete lines 2 to 6 and insert:

"relating to public employment labor relations; modifying the definition of non-essential supervisory employees; amending Minnesota Statutes 1980, Sections 179.63, Subdivision 9; and 179.71, Subdivision 3."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Public Employees and Pensions, to which was referred

S. F. No. 269: A bill for an act relating to public employment; authorizing recognition of legal strike by non-members of bargaining unit; amending Minnesota Statutes 1980, Section 179.64, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 11, after "*section*" insert "*or in section 179.68, subdivision 3,*"

Page 1, line 16, after "*strike*" insert "*, provided that the exclusive representative of a unit which may respect a picket line provides the employer with at least 24 hours written notice of the intention of the unit to respect a picket line*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S. F. No. 360: A bill for an act relating to metropolitan government; providing for certain transit commission plans and passes; amending Minnesota Statutes 1980, Sections 473.408, Subdivisions 6 and 7; and 473.411, Subdivision 1.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S. F. No. 924: A bill for an act relating to metropolitan government; changing procedures for financial assistance to the metropolitan transit commission; establishing a program to assist demonstrations of alternative methods of providing public transit service for certain communities; providing for alternative uses of metropolitan transit tax levies; amending Minnesota Statutes 1980, Sections 174.24, Subdivision 3; 473.411, Subdivision 1; and 473.446; proposing new law coded in Minnesota Statutes, Chapter 174; repealing Minnesota Statutes 1980, Section 174.28.

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 1980, Section 174.31, is amended to read:

174.31 [~~SPECIAL DEMONSTRATION PROJECT;~~ COORDINATION OF SPECIAL TRANSPORTATION SERVICE IN THE METROPOLITAN AREA.]

Subdivision 1. [ESTABLISHMENT; OBJECTIVES.] A special ~~demon-~~

~~stration~~ project for coordination of special transportation service in the metropolitan area as defined in section 473.121, subdivision 2, shall be ~~established and~~ implemented by the commissioner with the following objectives:

(a) To provide greater access to transportation for the elderly, handicapped and others with special transportation needs in the metropolitan area and particularly to fill all unmet needs for that transportation in the transit taxing district as defined in section 473.446, subdivision 2; and

(b) To develop an integrated system of special transportation service providing transportation tailored to meet special individual needs in the most cost-efficient manner using existing public and private providers of service.

For the purpose of this section "project" means the ~~demonstration~~ project established under this subdivision, *"commission" means the metropolitan transit commission as established in section 473.404 and "commissioner" means the commissioner of transportation.*

Subd. 2. [FINANCING; IMPLEMENTATION; MANAGEMENT AND ADVISORY GROUPS.] The project shall be operated ~~pursuant to the rules governing~~ *by the commission* and funded with money available ~~under the paratransit grant program~~ *from the state and other resources.* The commissioner ~~shall not operate the project but~~ shall contract for services necessary for its operation *with the commission.* ~~All transportation service provided through the project shall be provided under a~~ *The* contract between the commissioner and the ~~provider which specifies~~ *commission shall specify* the service to be provided and the rates for providing it. ~~The commissioner shall establish a committee to set management policies for the project. The management policy committee shall include the commissioner or his designee, representatives of persons contracting to provide services for the project, a representative of the metropolitan council, a representative of the metropolitan transit commission and at least two representatives of the task force established to advise the committee. The meetings of the management policy committee shall be public and minutes of all meetings shall be taken, preserved and made available for public inspection.~~ The commissioner shall establish an advisory task force of individuals representing the elderly, handicapped and other users of service provided by the project to advise the ~~management policy committee~~ *commission.*

Subd. 3. [DUTIES OF ~~COMMISSIONER~~ *THE COMMISSION.*] In implementing the project the ~~commissioner~~ *commission* shall:

(a) Encourage participation in the project by public and private providers of special transportation service currently receiving capital or operating assistance from a public agency;

(b) Contract with public and private providers that have demonstrated their ability to effectively provide service at a reasonable cost;

(c) Encourage individuals using service provided through the project to use the type of service most appropriate to their particular needs;

(d) Insure that all persons providing service through the project receive equitable treatment in the allocation of the ridership;

(e) Encourage shared rides to the greatest extent practicable;

(f) Insure that a full range of service is made available through the project to

all parts of the metropolitan transit taxing district;

(g) Encourage public agencies that provide transportation to eligible individuals as a component of human services and educational programs to coordinate with the project and to allow reimbursement for services provided through the project at rates that reflect the public cost of providing those services.; *and*

(h) Adopt rules by January 15, 1982, establishing criteria to be used in determining individual eligibility for special transportation services.

Subd. 4. [COORDINATION REQUIRED.] The commissioner shall not grant any financial assistance under section 174.24 or 174.25 to any recipient that proposes to use any part of the grant to provide special transportation service in the metropolitan area unless the program is coordinated with the project in the manner determined by the commissioner. ~~A recipient of a grant made before June 8, 1979 shall coordinate its program with the project as far as practicable but shall not be denied any additional grant for which it is otherwise qualified solely because it is not coordinated with the project.~~

Subd. 4a. [EQUITABLE ALLOCATION.] *The commission shall distribute all available funding under this section in a manner designed to achieve an equitable allocation of special transportation services based on the proportion of the number of elderly, handicapped, disabled, or economically disadvantaged individuals who actually use the special transportation service and who reside in the east and west service areas, including suburbs.*

Subd. 5. [COMPLIANCE WITH OPERATING STANDARDS.] A vehicle providing special transportation service which is subject to the operating standards adopted pursuant to section 174.30 shall not be allowed to provide service through the project ~~after January 1, 1981,~~ unless a current certificate of compliance has been issued to the vehicle.

Subd. 5a. [COST EFFECTIVENESS.] *In implementing the special transportation service program, the commission shall, based on considerations of cost effectiveness, provide an appropriate mix of vehicles based on the demonstrated need within a given service area including, where appropriate, the use of lift vans, shared-ride taxis, and shared-ride vans.*

Subd. 6. [EVALUATION AND REPORTS.] The commissioner shall evaluate the project and submit a report to the legislature in January, 1981, including the following information:

(a) All amounts of money spent or obligated for the project by the commissioner and the persons receiving those amounts;

(b) The types of service provided, number of individuals served and areas covered;

(c) A comparison of the cost of providing different types of service;

(d) A review of the achievements or failures of the project, problems encountered in implementation and conclusions and recommendations concerning future action.

The commissioner shall submit a preliminary report to the legislature in January, 1980, covering the above information to the extent it is available at that time.

Subd. 6a. [DATA BASE.] *In order to ensure an equitable mix of special transportation services and vehicles within the transit taxing district, the commission shall develop a data base identifying the users or potential users of the service; the special needs of the users so identified; the type of service provided to those users; the number and types of vehicles allocated within the transit taxing district; and any other information the commission deems relevant. In developing the data base, the commission shall consult with the metropolitan council and the commissioner. The data base so developed shall be the basis for the distribution or redistribution of funds and services within the transit taxing district. The commission shall develop the data base by January 15, 1982, and shall update the base on a yearly basis.*

Subd. 6b. [COST SAVINGS STUDY.] *The commission shall submit a preliminary report to the legislature in January, 1982, covering the following information:*

(a) A determination of the possible cost savings in implementing a longer telephone call-ahead time to reserve rides;

(b) A determination as to whether shorter hours of service would be feasible, cost effective, and still responsive to the needs of the users of the special transportation service; and

(c) Any other information the commission deems pertinent.

Subd. 7. [EXPIRATION OF PROJECT.] The project shall expire June 30, ~~1981~~ *1983*, and the commissioner shall not enter a contract or make any grant the proceeds of which may be expended for the purpose of implementing or continuing the project beyond June 30, ~~1981~~ *1983*."

Amend the title as follows:

Page 1, delete lines 2 to 12 and insert:

"relating to transportation; modifying and prescribing certain duties of the metropolitan transit commission regarding the special transportation services program; amending Minnesota Statutes 1980, Section 174.31."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 517: A bill for an act relating to financial institutions; allowing new mortgage instruments; modifying rate restrictions on certain loans; providing a maximum late charge on certain loans; amending Minnesota Statutes 1980, Section 47.20, Subdivisions 1, 2, 4, 4a, 6 and 12.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, delete lines 14 to 16

Page 2, line 17, delete "*(4)*" and insert "*(3)*"

Page 2, line 18, after "*purchase*" insert "*, in whole or in part,*"

Page 2, line 21, delete the period and insert a semicolon

Page 2, after line 21, insert:

"*(4) To make, purchase or participate in such loans and advances of credit secured by mortgages on real property which are authorized by the federal home loan bank board or the office of the comptroller of the currency.*"

Page 5, line 24, strike "and" and insert a comma

Page 5, line 24, after "fee" insert ", *and any share of future appreciation of the mortgaged property*"

Page 5, line 25, strike "and" and insert a comma

Page 5, line 25, after "fee," insert "*and any share of future appreciation of the mortgaged property,*"

Page 5, line 27, after the period, insert "*The finance charge, with respect to wraparound mortgages, shall be computed based upon the face amount of the wraparound mortgage note, which face amount shall consist of the aggregate of those funds actually advanced by the wraparound lender and the total outstanding principal balances of the prior note or notes which have been made a part of the wraparound mortgage note.*"

Page 6, line 1, after the period, insert "*For purposes of this section, with respect to wraparound mortgages, the rate of interest or loan yield shall be based upon the principal balance set forth in the wraparound note and mortgage and shall not include any interest differential or yield differential between the stated interest rate on the wraparound mortgage and the stated interest rate on the one or more prior mortgages included in the stated loan amount on a wraparound note and mortgage.*"

Page 11, lines 12 to 14, reinstate the stricken language

Page 11, line 14, delete "*and*"

Page 11, line 20, reinstate the stricken language

Page 11, line 23, delete everything after "instruments"

Page 11, delete line 24

Page 11, line 25, delete "*the lender*"

Page 11, lines 26 to 35, reinstate the stricken language

Page 11, line 35, after the period, insert "*This subdivision applies to all conventional loans made on or after June 1, 1979, and before the effective date of this act.*"

Page 11, delete line 36

Page 12, delete line 1 and insert:

"Sec. 6. Minnesota Statutes 1980, Section 47.20, is amended by adding a subdivision to read:

Subd. 6a. If the purpose of a conventional loan is to enable a borrower to purchase a one to four family dwelling for his or her primary residence, the lender shall consent to the subsequent transfer of the real estate and shall release the existing borrower from all obligations under the loan instruments, if the transferee (1) meets the standards of credit worthiness normally used by persons in the business of making conventional loans, including but not limited to the ability of the transferee to make the loan payments and satisfactorily

maintain the real estate used as collateral, (2) executes an agreement in writing with the lender whereby the transferee assumes the obligations of the existing borrower under the loan instruments, and (3) executes an agreement in writing to pay interest on the remaining obligation at such rate as agreed to between the transferee and the lender. Any such agreement shall not affect the priority, validity or enforceability of any loan instrument.

Sec. 7. Minnesota Statutes 1980, Section 47.20, is amended by adding a subdivision to read:

Subd. 6b. Charges or fees for late payments on conventional loans shall be governed by chapter 51A for all lenders.''

Page 13, line 5, delete ''*6*'' and insert ''*8*''

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after ''6'' insert a comma and delete ''and''

Page 1, line 6, after ''12'' insert '', and by adding subdivisions''

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 732: A bill for an act relating to insurance; revising the statutory provisions relating to surplus lines insurance; clarifying its operation and coverage; providing penalties; proposing new law coded in Minnesota Statutes, Chapter 60A; repealing Minnesota Statutes 1980, Section 60A.20.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

''Section 1. [60A.195] [CITATION.]

Sections 1 to 14 shall be known and may be cited as the Minnesota surplus lines insurance act.

Sec. 2. [60A.196] [DEFINITIONS.]

Unless the context otherwise requires, the following terms have the meanings given them for the purposes of sections 1 to 14:

(a) ''Surplus lines insurance'' means insurance placed with an insurer permitted to transact the business of insurance in this state only pursuant to sections 1 to 14.

(b) ''Eligible surplus lines insurer'' means an insurer recognized as eligible to write insurance business under sections 1 to 14 but not licensed by any other Minnesota law to transact the business of insurance.

(c) ''Ineligible surplus lines insurer'' means an insurer not recognized as an eligible surplus lines insurer pursuant to sections 1 to 14 and not licensed by any other Minnesota law to transact the business of insurance.

(d) ''Surplus lines licensee'' or ''licensee'' means a person licensed under sections 1 to 14 to place insurance with an eligible or unlicensed surplus lines

insurer.

(e) "Association" means an association registered under section 13.

(f) "Alien insurer" means any insurer which is incorporated or otherwise organized outside of the United States.

(g) "Insurance laws" means chapters 60 to 79 inclusive.

Sec. 3. [60A.197] [RATES AND FORMS.]

(a) Rates used by eligible and unlicensed surplus lines insurers shall not be subject to the insurance laws except that a rate shall not be unfairly discriminatory.

(b) Forms used by eligible and unlicensed surplus lines insurers pursuant to sections 1 to 14 shall not be subject to the insurance laws, except that a policy shall not contain language which misrepresents the true nature of the policy or class of policies.

Sec. 4. [60A.198] [TRANSACTION OF SURPLUS LINES INSURANCE.]

Subdivision 1. [LICENSE REQUIRED.] *A person shall not act in any other manner as an agent or broker in the transaction of surplus lines insurance unless licensed under sections 1 to 14.*

Subd. 2. [COMPLIANCE WITH STATUTORY PROVISIONS.] *A person shall not offer, solicit, make a quotation on, sell, or issue a policy of insurance, binder, or any other evidence of insurance with an eligible or unlicensed surplus lines insurer, except in compliance with sections 1 to 14.*

Subd. 3. [PROCEDURE FOR OBTAINING LICENSE.] *A person licensed as a resident agent in this state pursuant to other law may obtain a surplus lines license by doing the following:*

(a) Filing an application in the form and with the information the commissioner may reasonably require to determine the ability of the applicant to act in accordance with sections 1 to 14;

(b) Maintaining a resident agent license in this state;

(c) Delivering to the commissioner a financial guarantee bond from a surety acceptable to the commissioner for the greater of the following:

(1) $5,000; or

(2) The largest semiannual surplus lines premium tax liability incurred by him in the immediately preceding five years; and

(d) Agreeing to file with the commissioner no later than February 15 and August 15 annually, a sworn statement of the charges for insurance procured or placed and the amounts returned on the insurance canceled under the license for the preceding six month period ending December 31 and June 30 respectively, and at the time of the filing of this statement, paying the commissioner a tax on premiums equal to three percent of the total written premiums less cancellations.

Subd. 4. [LICENSEE'S POWERS.] *A surplus lines licensee may do any or all of the following:*

(a) Place insurance on risks in this state with eligible surplus lines insurers;

(b) Place insurance on risks in this state with unlicensed surplus lines insurers in strict compliance with section 14. If the insurance is provided through the participation of several surplus lines insurers and the licensee has reason to believe that a substantial portion of the insurance would be assumed by eligible surplus lines insurers, then with respect to the unlicensed surplus lines insurers, the insured or the insured's representative shall be informed as provided in section 14, subdivision 1, clause (a); or

(c) Engage in any other acts expressly or implicitly authorized by sections 1 to 14 and the other insurance laws.

Subd. 5. [DISCLOSURES.] *Before placement of insurance with an eligible surplus lines insurer, a surplus lines licensee shall inform an insured or the insured's representative that coverage may be placed in conformance with sections 1 to 14 with an insurer not licensed in this state and that payment of loss is not guaranteed in the event of insolvency of the eligible surplus lines insurer.*

Sec. 5. [60A.199] [EXAMINATIONS.]

If the commissioner considers it necessary, he may examine the books and records of a surplus lines licensee to determine whether the licensee is conducting business in accordance with sections 1 to 14. For the purposes of facilitating examinations, the licensee shall allow the commissioner free access at reasonable times to all of the licensee's books and records relating to the transactions to which sections 1 to 14 apply. If an examination is conducted, the cost of the examination shall be paid by the insurer.

Sec. 6. [60A.201] [PLACEMENT OF INSURANCE BY LICENSEE.]

Subdivision 1. [RESTRICTIONS.] *Insurance shall not be placed by the surplus lines licensee with an eligible or unlicensed surplus lines insurer when coverage is available from a licensed insurer.*

Subd. 2. [AVAILABILITY OF OTHER COVERAGE; PRESUMPTION.] *There shall be a rebuttable presumption that the following coverages are available from a licensed insurer:*

(a) All mandatory automobile insurance coverages required by chapter 65B;

(b) Private passenger automobile physical damage coverage;

(c) Homeowners and property insurance on owner occupied dwellings whose value is less than $500,000. This figure shall be changed annually by the commissioner by the same percentage as the consumer price index for the Minneapolis-St. Paul metropolitan area is changed;

(d) Any coverage readily available from three or more licensed insurers unless the licensed insurers quote a premium and terms not competitive with a premium and terms quoted by an eligible surplus lines insurer; and

(e) Workers' compensation insurance, except excess workers' compensation insurance which is not available from the workers' compensation reinsurance association.

Subd. 3. [UNAVAILABILITY OF OTHER COVERAGE; PRESUMPTION.] *There shall be a rebuttable presumption that the following coverages*

are unavailable from a licensed insurer:

(a) Coverages on a list of unavailable coverages maintained by the commissioner pursuant to subdivision 4;

(b) Coverages where one portion of the risk is acceptable to licensed insurers but another portion of the same risk is not acceptable. The entire coverage may be placed with eligible surplus lines insurers if it can be shown that the eligible surplus lines insurer will accept the entire coverage but not the rejected portion alone; and

(c) Any coverage that the licensee is unable to procure after diligent search among licensed insurers.

Subd. 4. [LISTS OF UNAVAILABLE LINES OF INSURANCE; MAINTENANCE.] *The commissioner shall maintain on a current basis a list of those lines of insurance for which coverages are believed by the commissioner to be generally unavailable from licensed insurers. The commissioner shall republish a list and make available to all licensees the list every six months. Any person may request in writing that the commissioner add or remove coverage from the current list at the next publication of the list. The commissioner's determinations of coverages to be added to or removed from the list shall not be subject to the administrative procedure act but prior to making determinations the commissioner shall provide opportunity for comment from interested parties.*

Sec. 7. [60A.202] [PLACEMENT OF INSURANCE BY LICENSEE.]

Subdivision 1. [RESTRICTION.] *Only a surplus lines licensee shall issue evidence of placement of insurance with an eligible or unlicensed surplus lines insurer.*

Subd. 2. [WRITTEN COMMUNICATION OF COVERAGE TO BE DELIVERED.] *A licensee shall, within seven working days after the date on which the risk was bound or the insured or applicant was advised that coverage has been or will be obtained, deliver to the insured or the insured's representative a policy, a written binder, a certificate or other written evidence of insurance placed with an eligible or unlicensed surplus lines insurer.*

Subd. 3. [CONTENTS OF WRITTEN COMMUNICATION.] *The written communication showing that insurance has been obtained shall identify all known surplus lines insurers directly assuming any risk of loss. If there is more than one surplus lines insurer, any document issued or certified by the licensee pursuant to subdivision 2 shall specify, to the extent known by the licensee, whether the obligation is joint or several, and if the obligation is several, the proportion of the obligation assumed by each insurer.*

Sec. 8. [60A.203] [LICENSEES TO FILE EVIDENCE OF TRANSACTIONS.]

Each surplus lines licensee shall keep a separate account of each transaction entered into pursuant to sections 1 to 14. Evidence of these transactions shall be filed with the commissioner in the form, manner, and time designated by the commissioner or if designated by the commissioner, with an association.

Sec. 9. [60A.204] [ADDITIONAL CHARGES AND FEES.]

Subdivision 1. [PLACEMENT FEES.] *A surplus lines licensee may charge,*

in addition to the premium charged by an eligible or unlicensed surplus lines insurer, a fee to cover the cost incurred in the placement of the policy which exceeds $25, but only to the extent that the actual additional cost incurred for services performed by persons or entities unrelated to the licensee exceeds that amount.

Subd. 2. [REGULATION OF FEES.] *A fee charged pursuant to subdivision 1 shall not be excessive or discriminatory. The licensee shall maintain complete documentation of all fees charged. Those fees shall not be included as part of the premium for purposes of the computation of the premium taxes.*

Subd. 3. [COMMISSION CHARGES.] *Notwithstanding the provisions of subdivision 1, a licensee may add a commission charge if the insurer quotes a rate net of commission and the commission is not excessive or discriminatory.*

Sec. 10. [60A.205] [COMPENSATION.]

Subdivision 1. [AUTHORIZATION.] *A surplus lines licensee may be compensated by an eligible surplus lines insurer and the licensee may compensate a licensed resident agent in this state for obtaining surplus lines insurance business. A licensed resident agent authorized by the licensee may collect a premium on behalf of the licensee, and as between the insured and the licensee, the licensee shall be considered to have received the premium if the premium payment has been made to the agent.*

Subd. 2. [CONSEQUENCES OF RECEIPT.] *If an eligible surplus lines insurer has assumed a risk, and if the premium for that risk has been received by the licensee who placed the insurance, then as between the insurer and the insured, the insurer shall be considered to have received the premium due to it for the coverage and shall be liable to the insured for any loss covered by the insurance and for the unearned premium upon cancellation of the insurance, regardless of whether the licensee is indebted to the insurer.*

Sec. 11. [60A.206] [QUALIFICATION AS ELIGIBLE SURPLUS LINES INSURER.]

Subdivision 1. [INSURERS TO BE RECOGNIZED BY THE COMMISSIONER.] *A surplus lines licensee shall place surplus lines insurance only with insurers which are in a stable and unimpaired financial condition. An insurer recognized by the commissioner as an eligible surplus lines insurer pursuant to subdivision 2 shall be considered to meet the requirements of this subdivision. Recognition as an eligible surplus lines insurer shall be conditioned upon the insurers continued compliance with sections 1 to 14.*

Subd. 2. [APPLICATION FOR RECOGNITION.] *An insurer not otherwise licensed to engage in the business of insurance in Minnesota may apply for recognition as an eligible surplus lines insurer by filing an application in the form and with the information as reasonably required by the commissioner regarding the insurer's financial stability, reputation, integrity and operating plans. The commissioner may delegate to an association the power to process and make recommendations on applications for recognition as an eligible surplus lines insurer. Notwithstanding delegation by the commissioner, an applicant may file an application directly with the commissioner.*

Subd. 3. [STANDARDS TO BE MET BY INSURERS.] *(a) The commissioner shall recognize the insurer as an eligible surplus lines insurer when*

satisfied that the insurer is in a stable, unimpaired financial condition and that the insurer is qualified to provide coverage in compliance with sections 1 to 14. If filed with full supporting documentation before July 1 of any year, applications submitted under subdivision 2 shall be acted upon by the commissioner before December 31 of the year of submission.

(b) The commissioner shall not authorize an insurer as an eligible surplus lines insurer unless the insurer continuously maintains capital and surplus of at least $3,000,000 and transaction of business by the insurer is not hazardous, financially or otherwise, to its policyholders, its creditors, or the public. Each alien surplus lines insurer shall have current financial data filed with the National Association of Insurance Commissioners Non-admitted Insurers Information Office.

Subd. 4. [REMOVAL OF INSURERS.] *When the commissioner considers it necessary, he may request information about or examine the affairs of any eligible surplus lines insurer at the expense of the insurer, to determine whether the insurer should continue to remain on the list of eligible surplus lines insurers. If the commissioner determines that it is in the public interest to remove an insurer from the list because the insurer no longer meets the requirements of sections 1 to 14, or is no longer qualified to provide coverage under sections 1 to 14, the commissioner shall do so. If an insurer removed from the list desires a hearing pursuant to the administrative procedure act, the hearing shall be scheduled within 30 days following request for the hearing.*

Subd. 5. [TRUST FUND TO BE MAINTAINED.] *Before recognition as an eligible surplus lines insurer in this state, an alien insurer shall maintain a trust fund in the United States in cash, marketable securities, or other substantially equivalent instruments of at least $1,500,000 with a United States bank which is a member of the Federal Reserve System or which is on deposit with regulatory authorities in this or another state for the benefit of all United States policyholders and beneficiaries. A trust fund required under this subdivision shall not have an expiration date which is at any time less than five years in the future, on a continuing basis.*

Subd. 6. [ALTERNATIVE MEANS OF COMPLIANCE.] *Subdivisions 3 and 5 shall not apply to unincorporated, individual alien insurers which, in place of the requirements prescribed in subdivisions 3 and 5, maintain assets as provided in subdivision 3 and hold in trust for all policyholders and beneficiaries in the United States not less than $50,000,000 in the aggregate.*

Subd. 7. [APPOINTMENT OF AGENT FOR SERVICE OF PROCESS.] *Each eligible surplus lines insurer shall appoint the commissioner as its resident agent, for purposes of service of process.*

Sec. 12. [60A.207] [POLICIES TO INCLUDE NOTICE.]

Each policy, cover note, or instrument evidencing surplus lines insurance from an eligible surplus lines insurer which is delivered to an insured or a representative of an insured shall have printed, typed, or stamped in red ink upon its face in not less than 10 point type, the following notice: "THIS INSURANCE IS ISSUED PURSUANT TO THE MINNESOTA SURPLUS LINES INSURANCE ACT. THE INSURER IS AN ELIGIBLE SURPLUS LINES INSURER BUT IS NOT OTHERWISE LICENSED BY THE STATE OF MINNESOTA. IN CASE OF INSOLVENCY, PAYMENT OF CLAIMS IS NOT

GUARANTEED." This notice shall not be covered or concealed in any manner.

Sec. 13. [60A.208] [LICENSEE ASSOCIATION.]

Subdivision 1. [LICENSEE'S RIGHT TO ASSOCIATE.] *Surplus lines licensees may associate and the commissioner may register the association for one or more of the following purposes:*

(a) Advising the commissioner as to the availability of surplus lines coverage and market practices and standards for surplus lines insurers and licensees;

(b) Collecting and furnishing records and statistics; or

(c) Submitting recommendations regarding administration of sections 1 to 14.

Subd. 2. [FILING REQUIREMENTS.] *(a) Each association shall file with the commissioner for approval all of the following:*

(1) A copy of the association's constitution and articles of agreement or association, or the association's certificate of incorporation and bylaws and any rules governing the association's activities; and

(2) An agreement that, as a condition of continued registration under subdivision 1, the commissioner may examine the association.

(b) Each association shall file with the commissioner and keep current all of the following:

(1) A list of members; and

(2) The name and address of a resident of this state upon whom notices or orders of the commissioner or process issued by the commissioner may be served.

Subd. 3. [COMMISSIONER'S POWERS; SUSPENSION OF REGISTRATION.] *The commissioner may refuse to register, or may suspend or revoke the registration of an association for any of the following reasons:*

(a) It reasonably appears that the association will not be able to carry out the purposes of sections 1 to 14;

(b) The association fails to maintain and enforce rules which will assure that members of the association and persons associated with those members comply with sections 1 to 14, other applicable chapters of the insurance laws and rules promulgated under either;

(c) The rules of the association do not assure a fair representation of its members in the selection of directors and in the administration of its affairs;

(d) The rules of the association do not provide for an equitable allocation of reasonable dues, fees, and other charges among members;

(e) The rules of the association impose a burden on competition; or

(f) The association fails to meet other applicable requirements prescribed in sections 1 to 14.

Subd. 4. [MEMBERSHIP LIMITED TO LICENSEES.] *An association shall deny membership to any person who is not a licensee.*

Subd. 5. [ASSOCIATION IS VOLUNTARY.] *No licensee may be compelled to join an association as a condition of receiving a license or continuing to be licensed under sections 1 to 14.*

Subd. 6. [FINANCIAL STATEMENT TO BE FILED.] *Each association shall annually file a certified audited financial statement.*

Subd. 7. [REPORTS AND RECOMMENDATIONS BY THE ASSOCIATION.] *An association may submit reports and make recommendations to the commissioner regarding the financial condition of any eligible surplus lines insurer. These reports and recommendations shall not be considered to be public information. There shall not be liability on the part of, or a cause of action of any nature shall not arise against, eligible surplus lines insurers, the association or its agents or employees, the directors, or the commissioner or authorized representatives of the commissioner, for statements made by them in any reports or recommendations made under this subdivision.*

Subd. 8. [OPERATING ASSESSMENT.] *(a) Upon request from the association, the commissioner may approve the levy of an assessment of not more than one-half of one percent of premiums charged pursuant to sections 1 to 14 for operation of the association to the extent that the operation relieves the commissioner of duties otherwise required of the commissioner pursuant to sections 1 to 14. Any assessment so approved may be subtracted from the premium tax owed by the licensee.*

(b) The association may revoke the membership and the commissioner may revoke the license in this state, of any licensee who fails to pay an assessment when due, if the assessment has been approved by the commissioner.

Sec. 14. [60A.209] [INSURANCE PROCURED FROM UNLICENSED INSURERS.]

Subdivision 1. [AUTHORIZATION; REGULATION.] *A resident of this state may obtain insurance from an unlicensed surplus lines insurer in this state through a surplus lines licensee. The licensee shall first attempt to place the insurance with a licensed insurer, or if that is not possible, with an eligible surplus lines insurer. If coverage is not obtainable from a licensed insurer or an eligible surplus lines insurer, the licensee shall certify to the commissioner, on a form prescribed by the commissioner, that these attempts were made. Upon obtaining coverage from an unlicensed surplus lines insurer, the licensee shall:*

(a) Have printed, typed, or stamped in red ink upon the face of the policy in not less than 10 point type the following notice: "THIS INSURANCE IS ISSUED PURSUANT TO THE MINNESOTA SURPLUS LINES INSURANCE ACT. THIS INSURANCE IS PLACED WITH AN INSURER THAT IS NOT LICENSED BY THE STATE NOR RECOGNIZED BY THE INSURANCE COMMISSIONER AS AN ELIGIBLE SURPLUS LINES INSURER. IN CASE OF ANY DISPUTE RELATIVE TO THE TERMS OR CONDITIONS OF THE POLICY OR THE PRACTICES OF THE INSURER, THE INSURANCE COMMISSIONER WILL NOT BE ABLE TO ASSIST IN THE DISPUTE. IN CASE OF INSOLVENCY, PAYMENT OF CLAIMS IS NOT GUARANTEED." The notice may not be covered or concealed in any manner; and

(b) Collect from the insured appropriate premium taxes and report the transaction to the commissioner on a form prescribed by the commissioner. If

the insured fails to pay the taxes when due, the insured shall be subject to a civil fine of not more than $1,000, plus accrued interest from the inception of the insurance.

Subd. 2. [PENALTY.] *Except as provided in this section, a person who assists or in any manner aids directly or indirectly in the procurement of insurance from an unlicensed surplus lines insurer in this state is guilty of a misdemeanor, punishable by imprisonment for not more than one year, or by a fine of not more than $1,000, or both.*

Subd. 3. [DUTY TO REPORT.] *Each insured in this state who procures, causes to be procured, or continues or renews insurance with an unlicensed surplus lines insurer or any self-insurer in this state who procures or continues excess of loss, catastrophe, or other insurance upon a subject of insurance resident, located, or to be performed within this state, other than insurance procured pursuant to section 6 or subdivision 1 of this section shall file a written report regarding the insurance with the commissioner on forms prescribed by the commissioner and furnished to the insured upon request. The report shall be filed within 30 days after the date the insurance was procured, continued, or renewed and shall be accompanied by the tax on the premiums of two percent. The report shall show all of the following:*

(a) The name and address of the insured;

(b) The name and address of the insurer;

(c) The subject of the insurance;

(d) A general description of the coverage;

(e) The amount of premium currently charged for the insurance; and

(f) Any additional pertinent information reasonably requested by the commissioner.

Subd. 4. [ALLOCATION OF PREMIUMS ACCORDING TO LOCATION OF SUBJECT MATTER.] *If the insurance described in subdivision 1 also covers a subject of insurance residing, located, or to be performed outside this state, for the purposes of this section, a proper pro rata portion of the entire premium payable for all of that insurance shall be allocated according to the subjects of insurance residing, located, or to be performed in this state.*

Subd. 5. [ACTS CONSTITUTING PROCUREMENT OF INSURANCE IN THE STATE.] *Any insurance placed with an unlicensed surplus lines insurer procured through negotiations or an application in whole or in part occurring or made within or from without this state, or for which premiums in whole or in part are remitted directly or indirectly from within this state, shall be considered to be insurance procured, continued, or renewed in this state under subdivision 3.*

Subd. 6. [UNLICENSED SURPLUS LINES INSURERS; LIABILITY ON POLICIES OR CONTRACTS.] *Except with respect to placement pursuant to section 4, subdivision 4, if an unlicensed insurer offering benefits under a written contract which constitutes the transaction of insurance or which offers benefits substantially similar to benefits under policies of insurance, whether or not the benefits are identified or described as insurance, fails to pay a claim or loss within the provision of the contract, any person who assisted or aided,*

directly or indirectly, in the procurement of the contract shall be liable to the person to whom the obligations are owed for the full amount of the claim or loss, in the manner provided by the contract.

Sec. 15. [REPEALER.]

Minnesota Statutes 1980, Section 60A.20, is repealed."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Public Employees and Pensions, to which was referred

S. F. No. 1081: A bill for an act relating to the state auditor; providing funding to be used to prepare the report to the legislature on the general financial condition of the various volunteer firefighters' relief associations; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 9, delete "*$20,000*" and insert "*$7,000*"

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 Public Employees and Pensions, to which was referred

S. F. No. 595: A bill for an act relating to education; providing for the preparation of a report by the legislative commission on employee relations analyzing current insurance programs available to teachers and other public school employees in Minnesota; amending Minnesota Statutes 1980, Section 3.855, Subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 18, delete "*This*" and after "*section*" insert "*1*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Olhoft from the Committee on General Legislation and Administrative Rules, to which was referred

S. F. No. 1043: A bill for an act relating to administrative procedures; providing for the effect on rules of the transfer of powers between agencies; recodifying certain other procedures relating to the transfer of powers between agencies; modifying the powers of the revisor of statutes with respect to drafting; compiling and publishing rules; extending certain statutory definitions of terms to administrative rules; amending Minnesota Statutes 1980, Sections 3.965, Subdivision 2; 15.0411, Subdivisions 2 and 3; 15.0412, Subdivisions 1, 1a, 2a, 4, 4c, 4d, 4e, 4f, 4g, 4h, 5, 7, 8, 9 and 10; 15.0413; 15.0415; 16.86, Subdivision 2; 62E.10, Subdivision 8; 121.931, Subdivision 8; 121.932, Subdivision 3; 238.09, Subdivision 9; 271.06, Subdivision 7; 299A.03, Subdivision 6; 360.015, Subdivisions 4, 5 and 16; 645.071, Subdivision 1; 645.08; 645.11; 645.12, Subdivision 1; 645.13; 645.14; 645.15; 645.18;

645.19; 645.20; 645.21; 645.23; 645.24; 645.26, Subdivisions 1 and 2; 645.31, Subdivision 1; 645.34; 645.35; 645.36; 645.37; 645.39; 645.40; 645.41; 645.44, Subdivision 1; 645.45; 645.451, Subdivision 1; 645.46; 645.48; 648.31, Subdivision 6; 648.50, Subdivisions 1, 2, 3 and 4, and by adding subdivisions; proposing new law coded in Minnesota Statutes, Chapters 15 and 645; repealing Minnesota Statutes 1980, Sections 15.015 to 15.04; 174.06, Subdivision 6; and 245.04 to 245.07.

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 1980, Section 3.965, Subdivision 2, is amended to read:

Subd. 2. [REVIEW OF RULES BY COMMISSION.] The commission shall promote adequate and proper rules by agencies and an understanding upon the part of the public respecting them. The jurisdiction of the commission ~~shall include~~ *includes* all rules as defined in section 15.0411, subdivision 3 ~~and all rules promulgated by the department of military affairs~~. *The commission also has jurisdiction of rules which are filed with the secretary of state in accordance with section 15.0413, subdivision 3.* It may hold public hearings to investigate complaints with respect to rules if it considers the complaints meritorious and worthy of attention ~~and~~. *It* may, on the basis of the testimony received at the public hearings, suspend any rule complained of by the affirmative vote of at least six members provided the provisions of subdivision 4 have been met. If any rule is suspended, the commission shall as soon as possible place before the legislature, at the next year's session, a bill to repeal the suspended rule. If the bill is ~~defeated, or fails of enactment~~ *not enacted* in that year's session, the rule ~~shall stand and~~ *is effective upon adjournment of the session unless the agency has repealed it.* The commission may not suspend it again. If the bill ~~becomes law~~ *is enacted*, the rule is repealed and shall not be ~~enacted~~ *adopted by the agency* again unless a law specifically authorizes the adoption of that rule. The commission shall make a biennial report to the legislature and governor of its activities and include ~~therein~~ its recommendations *to promote adequate and proper rules and public understanding of the rules.*

Sec. 2. [15.039] [EFFECT OF TRANSFER OF POWERS AMONG AGENCIES.]

Subdivision 1. [APPLICATION OF SECTION.] *The provisions of this section apply whenever the responsibilities of an agency are transferred by law to another agency unless the act directing the transfer provides otherwise. The term "responsibilities" includes powers, duties, rights, obligations, and other authority imposed by law on an agency. The term "new agency" means the agency to which responsibilities have been transferred from another agency.*

Subd. 2. [IN GENERAL.] *The new agency is a continuation of the former agency as to those matters within the jurisdiction of the former agency which are transferred to the new agency. Following a transfer the new agency shall carry out the assigned responsibilities as though the responsibilities of the former agency had not been transferred. No transfer constitutes a new authority for the purpose of succession to all responsibilities of the former agency as*

constituted at the time of the transfer.

Subd. 3. [RULES.] *All rules adopted pursuant to responsibilities which are transferred to another agency remain effective and shall be enforced by the new agency. Any rulemaking authority which existed to implement the responsibilities which are transferred is transferred to the new agency.*

Subd. 4. [COURT ACTIONS.] *Any proceeding, court action, prosecution, or other business or matter which is pending on the effective date of a transfer of responsibilities may be conducted by the new agency in the same manner as though it were conducted by the former agency prior to the transfer.*

Subd. 5. [CONTRACTS; RECORDS.] *The agency whose responsibilities are transferred shall give all contracts, books, maps, plans, papers, records, and property of every description relating to the transferred responsibilities and within its jurisdiction or control to the new agency. The new agency shall accept the material presented.*

Subd. 6. [UNEXPENDED FUNDS.] *All unexpended funds originally appropriated to an agency for the purposes of any responsibilities which are transferred to another agency are reappropriated under the same conditions as the original appropriation to the new agency effective on the date of the transfer of responsibilities. If the responsibilities are transferred to more than one agency, the commissioner of finance shall allocate any unexpended appropriation to the agencies affected.*

Subd. 7. [PERSONNEL.] *The positions associated with the responsibilities being transferred are abolished in the agency whose responsibilities are transferred. The approved staff complement for that agency is decreased accordingly. The employees who fill the abolished positions are employees of the agency receiving the new responsibilities. The approved staff complement for that agency is increased accordingly. Personnel changes are effective on the date of transfer of responsibilities.*

Sec. 3. Minnesota Statutes 1980, Section 15.0411, Subdivision 2, is amended to read:

Subd. 2. "Agency" means any state officer, board, commission, bureau, division, department, or tribunal, other than a *judicial branch* court, having a statewide jurisdiction and authorized by law to make rules or to adjudicate contested cases. "Agency" also means the capitol area architectural and planning board.

The administrative procedure act in sections 15.0411 to 15.052 ~~do~~ *does* not apply to (a) agencies directly in the legislative or judicial branches, (b) emergency powers in sections 12.31 to 12.37, ~~or~~ (c) the department of military affairs, *(d) the comprehensive health association provided in section 62E.10, (e) the tax court provided by section 271.06, or (f) the regents of the University of Minnesota.*

The contested case procedures of the administrative procedure act provided in sections 15.0418 to 15.0426 do not apply to (a) the Minnesota municipal board, (b) the corrections board, (c) the unemployment insurance program in the department of economic security, (d) the director of mediation services, (e) the workers' compensation division in the department of labor and industry, (f) the workers' compensation court of appeals, (g) the board of pardons, or (h) the

public employment relations board.

Sec. 4. Minnesota Statutes 1980, Section 15.0411, Subdivision 3, is amended to read:

Subd. 3. "Rule" ~~includes~~ *means* every agency statement of general applicability and future effect, including ~~the amendment, suspension, or repeal thereof~~ *amendments, suspensions, and repeals of rules*, ~~made~~ *adopted* to implement or make specific the law enforced or administered by it or to govern its organization or procedure. ~~But~~ *It* does not include (a) rules concerning only the internal management of the agency or other agencies, and which do not directly affect the rights of or procedure available to the public; ~~or~~ (b) rules of the commissioner of corrections relating to the internal management of institutions under ~~his~~ *the commissioner's* control and those rules governing the inmates thereof prescribed pursuant to section 609.105; ~~or~~ (c) rules of the division of game and fish published in accordance with section 97.53; ~~or~~ (d) rules relating to weight limitations on the use of highways when the substance of ~~such~~ *the* rules is indicated to the public by means of signs; ~~or~~ (e) opinions of the attorney general; *(f) the systems architecture plan and long range plan of the state education management information system provided by section 121.931; (g) the data element dictionary and the annual data acquisition calendar of the department of education to the extent provided by section 121.932; (h) the comprehensive statewide plan of the crime control planning board provided in section 299A.03; (i) special terms and conditions for an interim certificate of confirmation of the Minnesota cable communications board provided in section 238.09; or (j) occupational safety and health standards provided in section 182.655.*

Sec. 5. Minnesota Statutes 1980, Section 15.0412, Subdivision 1, is amended to read:

Subdivision 1. Each agency shall adopt, amend, suspend, or repeal its rules in accordance with the procedures specified in sections 15.0411 to 15.052, and only pursuant to authority delegated by law and in full compliance with its duties and obligations. *If a law authorizing rules is repealed, the rules adopted pursuant to that law are automatically repealed on the effective date of the law's repeal unless there is another law authorizing the rules.* Except as provided in subdivision 3, sections 15.0411 to 15.052 shall not be authority for an agency to adopt, amend, suspend, or repeal rules.

No agency shall adopt a rule which duplicates language contained in Minnesota Statutes unless the hearing examiner determines that duplication of the language is crucial to the ability of a person affected by a rule to comprehend its meaning and effect. When presented with a rule for ~~endorsement~~ *certification* pursuant to subdivision 2a, the revisor of statutes should indicate in the ~~endorsement~~ *certification* that the rule duplicates statutory language.

An agency may modify a proposed rule in accordance with the procedures of the administrative procedure act. However, an agency may not modify a proposed rule so that it is substantially different from the proposed rule in the notice of intent to adopt rules.

An agency may withdraw a proposed rule any time prior to filing it with the secretary of state. It shall publish notice that the proposed rule has been withdrawn in the state register. If a rule is withdrawn, the agency may again

propose it for adoption, either in the original or modified form, but the agency shall comply with all procedures of this section.

Sec. 6. Minnesota Statutes 1980, Section 15.0412, Subdivision 1a, is amended to read:

Subd. 1a. Unless otherwise provided by law, an agency may grant a variance to a rule. Before an agency grants a variance, it shall ~~have promulgated~~ *adopt* rules setting forth procedures and standards by which variances shall be granted and denied. An agency receiving a request for a variance shall set forth in writing its reasons for granting or denying the variance. This subdivision shall not constitute authority for an agency to grant variances to statutory standards.

Sec. 7. Minnesota Statutes 1980, Section 15.0412, Subdivision 2a, is amended to read:

Subd. 2a. No procedure to adopt a rule, temporary rule, or emergency rule, shall be initiated by any agency until the agency presents it to the revisor of statutes and the revisor ~~endorses on the rule~~ *certifies* that its form is approved. The revisor may assist in drafting rules as provided by section 648.50.

Sec. 8. Minnesota Statutes 1980, Section 15.0412, Subdivision 4, is amended to read:

Subd. 4. No rule shall be adopted by any agency unless the agency first holds a public hearing ~~thereon,~~ affording all affected interests an opportunity to participate. Each agency shall maintain a list of all persons who have registered with the agency for the purpose of receiving notice of rule hearings. The agency may inquire as to whether those persons on the list wish to maintain their names thereon and may remove names for which there is a negative reply or no reply within 60 days. The agency shall, at least 30 days prior to the date set for the hearing, give notice of its intention to ~~hold a hearing~~ *adopt rules* by United States mail to all persons on its list, and by publication in the state register. Each agency may, at its own discretion, also contact persons not on its list and may give notice of its intention ~~to hold a hearing~~ in newsletters, newspapers or other publications or through other means of communication. The notice in the state register shall include the ~~full text of the~~ *proposed* rule ~~proposed for adoption and, when amending existing rules, whatever portion of the existing rules is necessary to provide adequate notice of the nature of the proposed action~~ *or an amended rule in the form provided in section 648.50, subdivision 6, together with a statement of the place, date, and time of the public hearing and other information as required by law or rule.* When an entire rule is proposed to be repealed, the agency need only publish that fact, giving the ~~exact~~ citation to the rule to be repealed in the notice.

Sec. 9. Minnesota Statutes 1980, Section 15.0412, Subdivision 4c, is amended to read:

Subd. 4c. At the public hearing the agency shall make an affirmative presentation of facts establishing the need for and reasonableness of the *proposed* rule ~~proposed for adoption~~ and fulfilling any relevant substantive or procedural requirements imposed on the agency by law or rule. The agency may, in addition to its affirmative presentation, rely upon facts presented by others on the record during the rule proceeding to support the rule ~~finally~~ adopted.

Sec. 10. Minnesota Statutes 1980, Section 15.0412, Subdivision 4d, is

amended to read:

Subd. 4d. *(a)* After allowing written material to be submitted and recorded in the hearing record for five working days after the public hearing ends, or for a longer period not to exceed 20 days if ordered by the hearing examiner, the hearing examiner assigned to the hearing shall ~~proceed to~~ write a report as provided for in section 15.052, subdivision 3.

(b) If the report contains a finding that ~~the proposed~~ *a* rule ~~is~~ *has been modified in a way which makes it* substantially different from that which was *originally* proposed ~~at the public hearing~~, or that the agency has not met the requirements of subdivisions 4 to 4f, it shall be submitted to the chief hearing examiner for approval. If the chief hearing examiner approves the finding of the hearing examiner, ~~he~~ *the chief hearing examiner* shall advise the agency of actions which will correct the defects, and the agency shall not adopt the rule until the chief hearing examiner determines that the defects have been corrected.

(c) If the chief hearing examiner determines that the need for ~~and~~ *or* reasonableness of the rule has not been established pursuant to subdivision ~~4, clause (c)~~ *4c*, and if the agency does not elect to follow the suggested actions of the hearing examiner to correct that defect, then the agency shall submit the proposed rule to the legislative commission to review administrative rules for the commission's advice and comment. The agency shall not ~~proceed to~~ adopt the rule until it has received and considered the advice of the commission~~; provided, that~~. *However*, the agency is not required to delay adoption longer than 30 days after the ~~commission's receipt of~~ *commission has received* the agency's submission. Advice of the commission shall not be binding on the agency.

(d) The report shall be completed within 30 days after the close of the hearing record unless the chief hearing examiner, upon written request of the agency or the hearing examiner, orders an extension. ~~In no case shall~~ An extension *shall not* be granted if the chief hearing examiner determines that an extension would prohibit a rule from being adopted or becoming effective until after a date for adoption or effectiveness as required by statute. The report shall be available to all affected persons upon request for at least five working days before the agency takes any ~~final~~ *further* action on the rule.

Sec. 11. Minnesota Statutes 1980, Section 15.0412, Subdivision 4e, is amended to read:

Subd. 4e. If, *after completion of the hearing examiner's report*, the agency adopts the rule as recommended by the hearing examiner, ~~it~~ *the rule* shall be submitted with the complete hearing record to the attorney general, who shall review the rule as to its legality and *review* its form to the extent the form relates to legality. If the agency ~~makes changes in~~ *modifies* the rule *in a manner* other than ~~those~~ *that* recommended by the hearing examiner, it shall submit the rule *as originally proposed and as modified* with the complete hearing record to the chief hearing examiner for a review of the ~~changes~~ *modifications* prior to adopting ~~it~~ *the modified rule* and submitting it to the attorney general for review. If the chief hearing examiner determines that the ~~proposed final~~ *modified* rule ~~of the agency~~ is substantially different from that which was *originally* proposed ~~at the public hearing~~, ~~he~~ *the chief hearing examiner* shall advise the agency of actions which will correct the defects~~, and~~. The agency shall not

adopt the *modified* rule until the chief hearing examiner determines that the defects have been corrected. If the agency, the chief hearing examiner, or the attorney general requests, the hearing examiner shall cause a transcript to be prepared of the hearing. The agency shall give notice to all persons who requested to be informed that the hearing record has been submitted to the attorney general. This notice shall be given on the same day that the record is submitted. The attorney general shall, within 20 days, either approve or disapprove the rule. If ~~he approves~~ the rule *is approved*, ~~he~~ *the attorney general* shall promptly file two copies of it in the office of the secretary of state. If ~~he disapproves~~ the rule *is disapproved*, ~~he~~ *the attorney general* shall state in writing ~~his~~ *the* reasons ~~therefor, and the~~ *and return the rule to the agency. The* rule shall ~~not~~ *neither* be filed in the office of the secretary~~,~~ nor published. *Upon receiving a rule disapproved as illegal, the agency shall either withdraw the rule under subdivision 1 or modify the rule to cure the illegality. If the rule is modified, it shall be submitted to the chief hearing examiner who shall determine if the modified rule is substantially different from the rule as originally proposed. The agency shall not resubmit the rule to the attorney general until the chief hearing examiner determines that the rule is not substantially different from the rule as originally proposed.* The secretary of state shall forward one copy of each rule filed to the revisor of statutes.

Sec. 12. Minnesota Statutes 1980, Section 15.0412, Subdivision 4f, is amended to read:

Subd. 4f. A rule ~~shall become~~ *is* effective after it has been subjected to all requirements described in subdivisions 4 to 4g and five working days after ~~publication~~ *the notice of adoption is published* in the state register~~, as hereinafter provided,~~ unless a later date is required by ~~statutes~~ *law* or specified in the rule. If the rule ~~as~~ adopted ~~does not differ from the proposed rule as published in the state register~~ *is the same as the proposed rule*, publication may be made by publishing notice in the state register that the rule has been adopted as proposed and by ~~publishing a citation to~~ *citing* the prior publication. If the rule ~~as~~ adopted differs from the proposed rule, the *text of that portion of the* adopted rule ~~or subdivisions thereof~~ which ~~differ~~ *differs* from the proposed rule shall be ~~published~~ *included in the notice of adoption* together with a citation to the prior state register publication of the remainder of the proposed rule.

Sec. 13. Minnesota Statutes 1980, Section 15.0412, Subdivision 4g, is amended to read:

Subd. 4g. No rule shall be filed with the secretary of state or published in the state register unless the revisor of statutes has ~~endorsed on the rule~~ *certified* that ~~it~~ *the rule's form* is approved ~~as to form~~.

Sec. 14. Minnesota Statutes 1980, Section 15.0412, Subdivision 4h, is amended to read:

Subd. 4h. When an agency determines that its proposed adoption, amendment, suspension or repeal of a rule will be noncontroversial in nature, it may utilize the provisions ~~herein in lieu of~~ *of this subdivision rather than* the provisions of subdivisions 4 to 4g.

The agency shall ~~publish a~~ *give* notice of its ~~intent~~ *intention* to adopt ~~the~~ *a* rule without public hearing ~~, together with the proposed rule,~~. *The notice shall be given by publication* in the state register~~,~~ and ~~shall give the same notice~~ by

United States mail to persons who have registered their names with the agency pursuant to subdivision 4. *The notice in the state register shall include the proposed rule or the amended rule in the form provided in section 648.50, subdivision 6.* When an entire rule is proposed to be repealed, the ~~agency~~ *notice* need only ~~publish~~ *state* that fact, giving the ~~exact~~ citation to the rule to be repealed in the notice. The notice shall include a statement advising the public:

(1) that they have 30 days in which to submit comment on the proposed rule;

(2) that no public hearing will be held unless seven or more persons make a written request for a hearing within the 30 day comment period;

(3) of the manner in which persons shall request a hearing on rules proposed pursuant to this subdivision; and

(4) that the rule may be modified if modifications are supported by the data and views submitted.

Before the date of the notice, the agency shall prepare a statement of need and reasonableness which shall be available to the public. For at least 30 days following the notice, the agency shall afford all interested persons an opportunity to object to the lack of a hearing and to submit data and views on the proposed rule in writing.

The proposed rule may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change.

If, during the 30 day period allowed for comment, seven or more persons submit to the agency a written request for a hearing of the proposed rule, the agency shall proceed under the provisions of subdivisions 4 to 4g. ~~In the event that~~ *If* a hearing is required, a ~~citation~~ *notice of the hearing shall be published* in the state register ~~to the publication of the proposed rule may be substituted for republication~~. Unless the agency has modified the proposed rule, *the notice need not include the text of the proposed rule but only a citation to the state register pages where the text appears.*

If no hearing is required, the agency shall submit to the attorney general the proposed rule and notice as published, the rule as proposed for adoption, any written comments received by the agency, and a statement of need and reasonableness for the rule. The agency shall give notice to all persons who requested to be informed that these materials have been submitted to the attorney general. This notice shall be given on the same day that the record is submitted.

The attorney general shall approve or disapprove the rule as to its legality and its form to the extent the form relates to legality, including the issue of substantial change, within 14 days. If ~~he approves~~ the rule *is approved*, ~~he~~ *the attorney general* shall promptly file two copies of it in the office of the secretary of state. If ~~he disapproves~~ the rule *is disapproved*, ~~he~~ *the attorney general* shall state in writing ~~his~~ *the* reasons ~~therefor~~, and the rule shall not be filed in the office of the secretary of state, nor published.

The rule ~~shall become~~ *is* effective upon publication *of the notice of adoption* in the state register in the same manner as provided for adopted rules in subdivision 4f. The secretary of state shall forward one copy of each rule to the revisor of statutes.

No rule shall be filed with the secretary of state or published in the state

register unless the revisor of statutes has ~~endorsed on the rule~~ *certified* that ~~it~~ *the rule* is approved as to form.

Sec. 15. Minnesota Statutes 1980, Section 15.0412, Subdivision 5, is amended to read:

Subd. 5. When an agency is directed by statute, federal law or court order to adopt, amend, suspend or repeal a rule in a manner that does not allow for compliance with subdivisions 4 to 4h, or if an agency is expressly required or authorized by statute to adopt temporary rules, the agency shall adopt temporary rules in accordance with this subdivision. The proposed temporary rule shall be published *with a notice of intent to adopt temporary rules* in the state register. For at least 20 days after publication the agency shall afford all interested persons an opportunity to submit data and views on the proposed temporary rule in writing. The proposed temporary rule may be modified if the modifications are supported by the data and views submitted to the agency. The agency shall submit to the attorney general the proposed temporary rule as published, with any ~~proposed~~ modifications. The attorney general shall review the proposed temporary rule as to its legality ~~and~~, *review* its form to the extent the form relates to legality, and shall approve or disapprove the proposed temporary rule and any ~~proposed~~ modifications within five working days. The temporary rule shall take effect upon approval of the attorney general. The attorney general shall file two copies of the approved rule with the secretary of state. Failure of the attorney general to approve or disapprove *a rule* within five working days ~~shall be deemed~~ *is* approval. As soon as practicable, notice of the attorney general's decision shall be published in the state register and the adopted rule shall be published in the manner as provided for adopted rules in subdivision 4 *4f*. Temporary rules adopted under this subdivision shall be effective for *the period stated in the notice of intent to adopt temporary rules which may* not *be* longer than ~~90~~ *180* days ~~and may be reissued or continued in effect for an additional 90 days, but~~. *The temporary rules* may not ~~immediately be reissued thereafter~~ *be adopted again* without following the procedure of either subdivisions 4 to 4g or 4h. The secretary of state shall forward one copy of each approved and filed temporary rule to the revisor of statutes.

No approved temporary rule shall be filed with the secretary of state or published in the state register unless the revisor of statutes has ~~endorsed on the rule~~ *certified* that ~~it~~ *the rule's form* is approved ~~as to form~~.

Sec. 16. Minnesota Statutes 1980, Section 15.0412, Subdivision 7, is amended to read:

Subd. 7. If the adoption of a rule by an agency will require the expenditure of public moneys by local public bodies, the *appropriate* notice of the ~~proposed rule as required by this section~~ *agency's intent to adopt a rule* shall be accompanied by a written statement giving the agency's reasonable estimate of the total cost to all local public bodies in the state to implement the rule for the two years immediately following adoption of the rule if the estimated total cost exceeds $100,000 in either of the two years. For purposes of this section, local public bodies shall mean officers and governing bodies of the political subdivisions of the state and other officers and bodies of less than state wide jurisdiction which have the authority to levy taxes.

Sec. 17. Minnesota Statutes 1980, Section 15.0412, Subdivision 8, is amended to read:

Subd. 8. ~~Each~~ *The* agency shall, within six months after the effective date of a law requiring rules to be promulgated, unless otherwise specified by law, publish ~~notice of hearing or~~ *an appropriate* notice of intent to adopt a rule ~~without public hearing~~ in accordance with this section. If an agency has not given this notice, it shall report to the appropriate committees of the legislature and the governor its failure to do so, and the reasons for that failure.

Sec. 18. Minnesota Statutes 1980, Section 15.0412, Subdivision 9, is amended to read:

Subd. 9. The agency shall, within six months after issuance of the hearing examiner's report~~, either withdraw the proposed rules or~~ publish its ~~adopted final action~~ *notice of adoption, amendment, suspension, or repeal* in the state register. If the agency has not ~~both~~ filed the rules with the secretary of state and published its ~~adopted final action~~ *notice* in the state register within six months, *the rule is automatically withdrawn.* ~~It~~ *The agency* shall not ~~proceed to~~ adopt the ~~subject~~ *withdrawn* rules without ~~rehearing the rules pursuant to all~~ *again following* the procedures of this section~~, and~~. It shall report to the appropriate committees of the legislature and to the governor its failure to adopt rules and the reasons for that failure.

Sec. 19. Minnesota Statutes 1980, Section 15.0412, Subdivision 10, is amended to read:

Subd. 10. For the purpose of obtaining the revisor's *certificate of* approval of the form of a rule prior to filing the rule with the secretary of state, a copy of the rule shall be submitted *by the agency* to the revisor ~~at the same time~~ *on the same day as* it is submitted to the attorney general as required by subdivisions ~~4d,~~ 4*c*, 4*h*, and 5. Within five days , the revisor shall *either deliver the certificate to the attorney general or* notify the attorney general and the agency ~~of whether he or she will approve~~ *that* the form of the rule ~~when it is presented for his or her endorsement~~ *will not be approved. The revisor's certificate shall be attached to the rules filed with the secretary of state.*

If the attorney general disapproves the rule, the revisor's certificate shall be returned to the revisor by the attorney general. If, after the attorney general disapproves the rule, the agency modifies it, after the chief hearing examiner's review the agency shall submit the modified rule to the revisor for approval as to form.

If the revisor refuses to approve the form of any rules, the revisor's notice to the agency and the attorney general shall indicate the reason for the refusal and specify the modifications necessary so the form of the rules will be approved.

Sec. 20. Minnesota Statutes 1980, Section 15.0413, is amended to read:

15.0413 [EFFECT OF ADOPTION OF RULES; ~~PUBLICATION; APPROPRIATION~~ *ADOPTION OF RULES OTHERWISE EXEMPT FROM PROCEDURES.*]

Subdivision 1. Every rule approved by the attorney general and filed in the office of the secretary of state as provided in section 15.0412 shall have the force and effect of law five working days after its ~~publication~~ *notice of adoption is published* in the state register unless a later date is required by statute or specified in the rule. The secretary of state shall keep a permanent record of

rules filed with that office open to public inspection.

Subd. 2. Each rule hereafter amended, suspended, or repealed ~~shall become~~ *is* amended, suspended, or repealed five working days after the ~~new or amended rule or~~ *appropriate* notice ~~of suspension or repeal~~ is published in the state register unless a later date is required by ~~statute~~ *law* or specified in the rule.

Subd. 3. *Except for rules of agencies directly in the legislative or judicial branches, emergency powers in sections 12.31 to 12.37, and the regents of the University of Minnesota, rules adopted, amended, suspended, or repealed by any agency but excluded from the administrative procedure act in section 15.0411, subdivision 2, shall have the force and effect of law upon compliance with the procedures of this subdivision.* Rules ~~hereafter promulgated~~ *adopted*, amended, suspended, or repealed ~~of~~ *by* any state officer, board, commission, bureau, division, department, or tribunal other than a *judicial branch* court, having statewide jurisdiction and authorized by law to make rules, but excluded ~~from the definition of "agency" in section 15.0411~~ *from the definition of "rule" in section 15.0411, subdivision 3, except for clauses (a) and (e),* shall have the force and effect of law ~~if they~~ *upon compliance with this subdivision. The rules have the force and effect of law if:*

(a) the revisor of statutes approves the form of the rules by certificate;

(b) two copies are filed in the office of the secretary of state ~~in the same manner as rules adopted pursuant to section 15.0412 are so filed and if they are submitted to the commissioner of administration in a manner he shall prescribe;~~ and,

(c) a copy is published in the state register.

The rules become effective five working days after publication in the state register. The secretary of state shall forward one copy of each rule to the revisor of statutes. Rules filed in accordance with this subdivision shall be included in Minnesota Rules.

~~This subdivision, however, shall not apply to rules of the regents of the University of Minnesota.~~ *Any law exempting an agency or rule from sections 15.0411 to 15.052 shall not be construed as preventing an agency from complying with section 15.0413, subdivision 3, unless the law specifically provides to the contrary.*

Subd. 3a. Rules adopted by a state officer, board, commission, bureau, division, department, or tribunal other than a judicial branch court, which is excluded from the administrative procedure act in Minnesota Statutes 1978, Section 15.0411, Subdivision 2, which were filed with the secretary of state before August 1, 1980, shall have the effect of law and be published by the revisor of statutes pursuant to section 648.50 to the extent the rules are still the accurate rules of the agency.

Subd. 3b. Rules adopted by a state officer, board, commission, bureau, division, department, or tribunal other than a judicial branch court, which is excluded from the administrative procedure act in Minnesota Statutes 1978, Section 15.0411, Subdivision 2, but included in the rulemaking provisions of the act in Minnesota Statutes 1980, Section 15.0411, Subdivision 2, which were not filed with the secretary of state before August 1, 1980, shall have the

effect of law to the extent the rules are still the accurate rules of the agency. The agency which adopted the rules shall file a copy of each of its rules which is effective on the effective date of this subdivision but unfiled with the secretary of state with both the secretary of state and the revisor of statutes before September 1, 1981. The revisor of statutes shall publish these rules in Minnesota Rules.

Sec. 21. Minnesota Statutes 1980, Section 15.0415, is amended to read:

15.0415 [PETITION FOR ADOPTION OF RULE.]

Any interested person may petition an agency requesting the adoption, suspension, amendment or repeal of any rule. The petition shall be specific as to what action is requested and the need for the action. Upon ~~receipt of such~~ *receiving* a petition an agency shall have 60 days in which to make a specific and detailed reply in writing as to its planned disposition of the request. If the agency states its intention to hold a public hearing on the subject of the request, it shall proceed according to section 15.0412. The attorney general shall prescribe by rule the form for all petitions under this section and may prescribe further procedures for their submission, consideration, and disposition.

Sec. 22. Minnesota Statutes 1980, Section 16.86, Subdivision 2, is amended to read:

Subd. 2. The commissioner shall not be required to publish or distribute those parts of the code which are adopted by reference~~, and publication within the meaning of the administrative procedures act shall nevertheless be deemed complete. The commissioner shall publish with the code and annually thereafter a list of places where copies of those parts of the code adopted by reference may be obtained together with the approximate cost thereof~~ *pursuant to section 15.0412, subdivision 4a.*

Sec. 23. Minnesota Statutes 1980, Section 62E.10, Subdivision 8, is amended to read:

Subd. 8. [DEPARTMENT OF STATE EXEMPTION.] The association ~~shall be~~ *is* exempt from the ~~provisions of chapter 15~~ *administrative procedure act but, to the extent authorized by law to adopt rules, the association may use the provisions of section 15.0413, subdivision 3.*

Sec. 24. Minnesota Statutes 1980, Section 121.931, Subdivision 8, is amended to read:

Subd. 8. [RULES.] The state board shall adopt rules prescribing criteria for its decisions pursuant to subdivision 7. These rules shall include at least the criteria specified in section 121.937. The state board shall also adopt rules specifying the criteria and the process for determining which data and data elements are included in the data element dictionary and the annual data acquisition calendar developed pursuant to section 121.932, subdivisions 1 and 2. The state board shall adopt rules requiring regional management information centers to use cost accounting procedures which will account by district for resources consumed at the center for support of each ESV-IS subsystem and of any approved alternative financial management information systems. The adoption of the systems architecture plan and the long range plan pursuant to subdivisions 3 and 4 shall be exempt from ~~the rule-making procedures specified in chapter 15~~ *the administrative procedure act but, to the extent authorized*

by law to adopt rules, the board may use the provisions of section 15.0413, subdivision 3.

Sec. 25. Minnesota Statutes 1980, Section 121.932, Subdivision 3, is amended to read:

Subd. 3. [EXEMPTION FROM CHAPTER 15.] Except as provided in section 121.931, subdivision 8, the development of the data element dictionary pursuant to subdivision 1, and the annual data acquisition calendar pursuant to subdivision 2, shall be exempt from the ~~rule-making procedures specified in chapter 15~~ *administrative procedure act but, to the extent authorized by law to adopt rules, the board may use the provisions of section 15.0413, subdivision 3.*

Sec. 26. Minnesota Statutes 1980, Section 182.655, Subdivision 1, is amended to read:

Subdivision 1. ~~Chapter 15 notwithstanding,~~ Standards and variances shall be proposed, granted, adopted, modified or revoked by the commissioner in accordance with the procedures of this section. *The standards and variances are exempt from the administrative procedure act but, to the extent authorized by law to adopt rules, the commissioner may use the provisions of section 15.0413, subdivision 3.*

Sec. 27. Minnesota Statutes 1980, Section 238.09, Subdivision 9, is amended to read:

Subd. 9. Notwithstanding the provisions of subdivision 6, the board may issue an interim certificate of confirmation after its acceptance of an application in ~~such~~ *a* form ~~and~~ containing ~~such~~ *the* information and supporting documentation ~~as~~ the board ~~may require~~ *requires*, ~~such~~ *the* certificate to be valid for not more than five years, to an operating company having a franchise approved by the board to erect a community antenna and establish cable television service for any municipality having a population not greater than 15,000 according to the 1970 federal census; provided that the system shall be constructed and ready for operation by July 1, 1975, in full compliance with all applicable regulations of the federal communications commission and with any special terms or conditions set by the Minnesota board to apply in any individual situation~~, not subject to chapter 15,~~ to include stipulations regarding minimum channel capacity; extent of two-way capability; means for interconnection; and availability of facilities for public access cablecasting and for local program origination. *The special terms and conditions are exempt from the administrative procedure act but, to the extent authorized by law to adopt rules, the board may use the provisions of section 15.0413, subdivision 3.*

Sec. 28. Minnesota Statutes 1980, Section 271.06, Subdivision 7, is amended to read:

Subd. 7. [RULES.] The rules of civil procedure for the district court of Minnesota shall govern the procedures in the tax court, where practicable. The rules of the tax court in effect on July 1, 1977 shall govern until superseded. The tax court may make additional rules when the law or special circumstances so require, provided that before any additional rule is adopted, the tax court first holds a public hearing thereon, affording all affected interests an opportunity to participate, and gives notice of its intention to hold ~~such~~ a hearing at least 30 days prior to the date set for the hearing by United States mail, to

representatives of associations or other interested groups or persons who have registered their names with the ~~secretary of state~~ *court* for that purpose and in the state register. The notice in the state register shall include the full text of the rule proposed for adoption. The tax court shall make available at least one free copy of the proposed rule to any person requesting it. At the public hearing the tax court shall make an affirmative presentation of facts establishing the need for and reasonableness of the rule proposed for adoption and fulfilling any relevant substantive or procedural requirements imposed on the tax court by law. After the hearing ends, 20 days shall be allowed for written material to be submitted and recorded in the hearing record. If the tax court approves the rule, the tax court shall promptly ~~file~~ *publish* ~~it~~ *a notice of adoption* in the ~~office of the secretary of~~ state *register*. A rule ~~shall become~~ *is* effective ~~20~~ *five working* days after ~~its publication~~ *the notice of adoption is published* in the state register unless a later date is specified in the rule. Any rule adopted after July 1, 1977, which is not published in the state register, shall be of no effect. The tax court ~~shall be~~ *is* exempt from the ~~provisions of chapter 15~~ *administrative procedure act but, to the extent authorized by law, may use the provisions of section 15.0413, subdivision 3.*

Sec. 29. Minnesota Statutes 1980, Section 299A.03, Subdivision 6, is amended to read:

Subd. 6. [PLANNING FUNCTIONS.] The crime control planning board shall serve as the state planning agency to administer the Omnibus Crime Control and Safe Streets Act of 1968, Public Law 90-351, as amended by the Crime Control Act of 1973, Public Law 93-83, by the Crime Control Act of 1976, Public Law 94-503 and by the Juvenile Justice and Delinquency Prevention Act of 1974, Public Law 93-415, as amended, all of which acts are herein collectively referred to as "federal crime control acts". The board shall develop and revise as necessary a comprehensive statewide plan for the improvement of law enforcement and criminal justice throughout the state. The comprehensive plan shall be deemed to include all individual plans submitted by the board as a prerequisite to the receipt of federal money and all other plans prepared by or under the direction of the board. These individual component plans shall be prepared so as to interrelate with each other and to provide for a unified and coherent statewide comprehensive plan. The plan shall include improvements in law enforcement and criminal justice systems which are designed to encourage interjurisdictional and interdisciplinary actions by affected governmental units. The plan and any revisions ~~shall not be adopted as rules pursuant to chapter 15, but~~ *are exempt from the administrative procedure act but, the board to the extent authorized by law to adopt rules, may use the provisions of section 15.0413, subdivision 3.* The board shall hold public hearings in respect to proposals for the plan and shall seek opinions of interested persons from outside the board ~~as provided in section 15.0412, subdivision 6~~. To the extent that the plan or a component thereof is prepared in anticipation of the receipt of federal money, the plan or applicable component thereof shall be consistent with requirements of the federal crime control acts and shall accommodate where reasonable the form and content of regional plans for the improvement of law enforcement and criminal justice.

Sec. 30. Minnesota Statutes 1980, Section 360.015, Subdivision 4, is amended to read:

Subd. 4. [CONFORMITY WITH FEDERAL RULES.] All rules ~~and regu-~~

~~lations prescribed~~ *adopted* by the commissioner under the authority of sections 360.011 to 360.076, shall be kept in conformity, as nearly as may be, with the then current federal legislation governing aeronautics and the regulations duly promulgated thereunder and the rules and standards issued from time to time pursuant thereto.

Sec. 31. Minnesota Statutes 1980, Section 360.015, Subdivision 5, is amended to read:

Subd. 5. [~~FILING~~ *ADOPTION* OF RULES.] ~~He shall keep on file with the secretary of the state, and at the principal office of the department, a copy of all his rules and regulations, for public inspection.~~ *Rules provided for under the authority of sections 360.011 to 360.076, shall be adopted in accordance with the procedures of the administrative procedure act.*

Sec. 32. Minnesota Statutes 1980, Section 360.015, Subdivision 16, is amended to read:

Subd. 16. [~~EFFECTIVE DATE~~ *DISTRIBUTION* OF RULES ~~AND REGULATIONS~~.] Rules ~~and regulations made~~ *adopted* by the commissioner ~~shall become effective ten days after publications as hereinafter provided. Publication~~ shall be ~~made~~ *distributed* as follows:

(a) ~~By filing copies thereof with the secretary of state and the commissioner of administration.~~

~~(b)~~ by mailing copies ~~thereof~~ to all owners and operators or managers of airports and to all air schools licensed or registered in the state~~.~~*; and,*

~~(c)~~ *(b)* by having a reasonable number of copies ~~thereof~~ available at the offices of the department, to be furnished to interested persons upon request.

Sec. 33. [645.001] [APPLICABILITY OF LAWS ON DEFINITIONS AND INTERPRETATION.]

Except as otherwise provided, the provisions of chapter 645, insofar as they relate to laws, govern all laws becoming effective after an applicable provision of chapter 645 becomes effective.

The provisions of chapter 645, insofar as they relate to rules, govern all rules becoming effective after the effective date of the provision.

Sec. 34. Minnesota Statutes 1980, Section 645.071, Subdivision 1, is amended to read:

Subdivision 1. [SOLAR TIME; DAYLIGHT TIME.] Every mention of, or reference to, any hour or time in any law *or rule* is to be construed with reference to and in accordance with the mean solar time of the ninetieth meridian of longitude west of Greenwich, commonly known as Central Standard Time. The standard of time in this state in each year commencing at 2 a.m. on the fourth Sunday in May and ending at 2 a.m. on the Tuesday following Labor Day, both dates inclusive, shall be one hour ahead of ~~such~~ *that* solar time and for the rest of the year shall be ~~such~~ *that* solar time ~~and~~. No department of the state government and no county, city or town shall employ any other time or adopt any ordinance or order providing for the use of any other time than the standard time.

Sec. 35. Minnesota Statutes 1980, Section 645.08, is amended to read:

645.08 [CANONS OF CONSTRUCTION.]

In construing the statutes *and rules* of this state, the following canons of interpretation are to govern, unless their observance would involve a construction inconsistent with the manifest intent of the legislature, or repugnant to the context of the statute *or rule*:

(1) Words and phrases are construed according to rules of grammar and according to their common and approved usage; but technical words and phrases and ~~such~~ others ~~as~~ *that* have acquired a special meaning, or are defined in this chapter, are construed according to ~~such~~ *that* special meaning or their definition;

(2) The singular includes the plural; and the plural, the singular; words in the masculine gender include the feminine and neuter; words used in the past or present tense include the future;

(3) General words are construed to be restricted in their meaning by preceding particular words;

(4) Words ~~in a law~~ conferring a joint authority upon three or more public officers or other persons are construed to confer authority upon a majority of ~~such~~ *the* officers or persons; and

(5) A majority of the qualified members of any board or commission constitutes a quorum.

Sec. 36. Minnesota Statutes 1980, Section 645.11, is amended to read:

645.11 [PUBLISHED NOTICE.]

Unless otherwise specifically provided *in a law or rule*, the words "published notice," when used in reference to the giving of notice in any proceeding or the service of any summons, order, or process in judicial proceedings, mean the publication in full of the notice, or other paper referred to, in the regular issue of a qualified newspaper, once each week for the number of weeks specified. When the publication day of any newspaper falls upon Thanksgiving Day, or upon any legal holiday, the publication of notice in any proceeding or the publication of any summons, order, or process in judicial proceedings, may be made either the day before or the day after Thanksgiving Day, or ~~such~~ *the* legal holiday. When the published notice contains a description of real estate which is located within the legal limits of any city, which city is situated in more than one county, ~~such~~ *the* published notice may be published in any legal newspaper within ~~such~~ *the* city.

Sec. 37. Minnesota Statutes 1980, Section 645.12, Subdivision 1, is amended to read:

Subdivision 1. The term "posted notice," when used *in a law or rule* in reference to the giving of notice in any proceeding or the service of any summons, order, or process in judicial proceedings, means the posting, at the beginning of the prescribed period of notice, of a copy of the notice or document referred to, in a manner likely to attract attention, in each of three of the most public places in the town, city, district, or county to which the subject matter of the notice relates, or in which the thing of which notice is given is to occur or to be performed.

Sec. 38. Minnesota Statutes 1980, Section 645.13, is amended to read:

645.13 [TIME; PUBLICATION FOR SUCCESSIVE WEEKS.]

When the term "successive weeks" is used in any law *or rule* providing for the publishing of notices, the word "weeks" shall be construed as calendar weeks. The publication upon any day of ~~such weeks~~ *a week* shall be sufficient publication for that week, but at least five days shall elapse between each publication. At least the number of weeks specified in "successive weeks" shall elapse between the first publication and the day for the happening of the event for which the publication is made.

Sec. 39. Minnesota Statutes 1980, Section 645.14, is amended to read:

645.14 [TIME; COMPUTATION OF MONTHS.]

When, in any law *or rule*, the lapse of a number of months before or after a certain day is required, ~~such~~ *the* number of months shall be computed by counting the months from ~~such~~ *that* day, excluding the calendar month in which ~~such~~ *the* day occurs, and including the day of the month in the last months so counted having the same numerical order as the day of the month from which the computation is made, unless there be not so many days in the last month so counted, in which case the period computed shall expire with the last day of the month so counted.

Sec. 40. Minnesota Statutes 1980, Section 645.15, is amended to read:

645.15 [COMPUTATION OF TIME.]

~~Where~~ *When* the performance or doing of any act, duty, matter, payment, or thing is ordered or directed, and the period of time or duration for the performance or doing thereof is prescribed and fixed by law *or rule*, ~~such~~ *the* time, except as otherwise provided in sections 645.13 and 645.14, shall be computed so as to exclude the first and include the last day of ~~any such~~ *the* prescribed or fixed period ~~or duration~~ of time. When the last day of ~~such~~ *the* period falls on Sunday or on any day made a legal holiday, by the laws of this state or of the United States, ~~such~~ *that* day shall be omitted from the computation.

Sec. 41. Minnesota Statutes 1980, Section 645.18, is amended to read:

645.18 [GRAMMAR; SYNTAX; ELLIPSIS.]

Grammatical errors shall not vitiate a law *or rule*. A transposition of words and clauses may be resorted to when a sentence is without meaning as it stands. Words and phrases ~~which~~ *that* may be necessary to the proper interpretation of a law *or rule* and ~~which~~ *that* do not conflict with its obvious purpose and intent nor in any way affect its scope and operation may be added in ~~the~~ construction ~~thereof~~.

Sec. 42. Minnesota Statutes 1980, Section 645.19, is amended to read:

645.19 [CONSTRUCTION OF PROVISOS AND EXCEPTIONS.]

Provisos shall be construed to limit rather than to extend the operation of the clauses to which they refer. Exceptions expressed in a law *or rule* shall be construed to exclude all others.

Sec. 43. Minnesota Statutes 1980, Section 645.20, is amended to read:

645.20 [CONSTRUCTION OF SEVERABLE PROVISIONS.]

Unless there is a provision in the law *or rule* that the provisions shall not be

severable, the provisions of all laws *and rules* shall be severable. If any provision of a law *or rule* is found to be unconstitutional and void, the remaining provisions of the law *or rule* shall remain valid, unless the court finds the valid provisions of the law *or rule* are so essentially and inseparably connected with, and so dependent upon, the void provisions that the court cannot presume the legislature would have enacted *or authorized* the remaining valid provisions without the void one; or unless the court finds the remaining valid provisions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

Sec. 44. Minnesota Statutes 1980, Section 645.21, is amended to read:

645.21 [PRESUMPTION AGAINST RETROACTIVE EFFECT.]

No law *or rule* shall be construed to be retroactive unless clearly and manifestly so intended by the legislature *or authorized by the legislature*.

Sec. 45. Minnesota Statutes 1980, Section 645.23, is amended to read:

645.23 [PENALTIES NO BAR TO CIVIL REMEDIES.]

The provision in any law *or rule* for a penalty or forfeiture for its violation shall not be construed to deprive an injured person of the right to recover from the offender damages sustained by reason of the violation of ~~such~~ *the* law *or rule*.

Sec. 46. Minnesota Statutes 1980, Section 645.24, is amended to read:

645.24 [PENALTIES FOR EACH OFFENSE.]

When a penalty or forfeiture is provided for the violation of a law *or rule*, ~~such~~ *the* penalty or forfeiture shall be construed to be for each ~~such~~ violation.

Sec. 47. Minnesota Statutes 1980, Section 645.26, Subdivision 1, is amended to read:

Subdivision 1. [PARTICULAR CONTROLS GENERAL.] When a general provision in a law is in conflict with a special provision in the same or another law, the two shall be construed, if possible, so that effect may be given to both. If the conflict between the two provisions be irreconcilable, the special provision shall prevail and shall be construed as an exception to the general provision, unless the general provision ~~shall be~~ *is* enacted at a later session and it ~~shall be~~ *is* the manifest intention of the legislature that ~~such~~ *the* general provision ~~shall~~ prevail.

When a general provision in a rule is in conflict with a special provision in the same or another rule, the two shall be construed, if possible, so that effect may be given to both. If the conflict between the two provisions is irreconcilable, the special provision shall prevail and shall be construed as an exception to the general provision, unless the general provision is adopted at a later time and it is the manifest intent of the agency that the general provision prevail.

Sec. 48. Minnesota Statutes 1980, Section 645.26, Subdivision 2, is amended to read:

Subd. 2. [CLAUSES IN THE SAME LAW.] When, in the same law *or rule*, several clauses are irreconcilable, the clause last in order of date or position shall prevail.

Sec. 49. Minnesota Statutes 1980, Section 645.31, Subdivision 1, is

amended to read:

Subdivision 1. [AMENDATORY LAWS; *RULES.*] When a section or part of a law *or rule* is amended, the amendment shall be construed as merging into the original law *or rule*, becoming a part thereof, and replacing the part amended, and the remainder of the original enactment and the amendment shall be read together and viewed as one act *or rule* passed at one time; but the portions of the law *or rule* which were not altered by the amendment shall be construed as effective from the time of their first enactment, and the new provisions shall be construed as effective only from the date when the amendment became effective. When an act *or rule* has been amended "so as to read as follows," or otherwise, a later reference to that act *or rule* either by its original title or as it exists in any compilation of the laws *or rules* of this state includes the act *or rule* as amended.

Sec. 50. Minnesota Statutes 1980, Section 645.34, is amended to read:

645.34 [REPEAL OF AMENDATORY AND ORIGINAL LAWS *AND RULES* SUBSEQUENTLY AMENDED.]

The repeal of an amendatory law *or rule* does not revive the corresponding provision or section of the original law *or rule* or of any prior amendment. Except as otherwise provided in section 645.26, subdivision 3, the repeal of the original law *or rule*, or section or provision of the original law *or rule*, repeals all subsequent amendments to the original law *or rule*, or to the original section or provision, as the case may be.

Sec. 51. Minnesota Statutes 1980, Section 645.35, is amended to read:

645.35 [EFFECT OF REPEAL.]

The repeal of any law *or rule* shall not affect any right accrued, any duty imposed, any penalty incurred, or any proceeding commenced, under or by virtue of the law *or rule* repealed. Any civil suit, action, or proceeding pending to enforce any right under the authority of the law *or rule* repealed shall and may be proceeded with and concluded under the laws *and rules* in existence when the suit, action, or proceeding was instituted, notwithstanding the repeal of ~~such~~ *the* laws *or rules*; or the same may be proceeded with and concluded under the provisions of the new law *or rule*, if any, enacted.

Sec. 52. Minnesota Statutes 1980, Section 645.36, is amended to read:

645.36 [EFFECT OF REPEAL OF A REPEALER.]

When a law *or rule* is repealed which repealed a former law *or rule*, the former law ~~shall~~ *or rule is* not ~~thereby be~~ revived, unless ~~it is so~~ specifically provided.

Sec. 53. Minnesota Statutes 1980, Section 645.37, is amended to read:

645.37 [REPEAL AND REENACTMENT.]

When a law *or rule* is repealed and its provisions are at the same time reenacted *or readopted* in the same or substantially the same terms by the repealing law *or rule*, the earlier law *or rule* shall be construed as continued in active operation. All rights and liabilities incurred under ~~such~~ *the* earlier law *or rule* are preserved and may be enforced.

Sec. 54. Minnesota Statutes 1980, Section 645.39, is amended to read:

645.39 [IMPLIED REPEAL BY LATER LAW *OR RULE*.]

When a law *or rule* purports to be a revision of all laws *or rules* upon a particular subject, or sets up a general or exclusive system covering the entire subject matter of a former law *or rule* and is intended as a substitute for ~~such~~ *the* former law *or rule*, ~~such~~ *the* law *or rule* shall be construed to repeal all former laws *or rules* upon the same subject. When a general law purports to establish a uniform and mandatory system covering a class of subjects, ~~such~~ *the* law shall be construed to repeal preexisting local or special laws on the same class of subjects. In all other cases, a later law *or rule* shall not be construed to repeal an earlier law *or rule* unless the two laws *or rules* are irreconcilable.

Sec. 55. Minnesota Statutes 1980, Section 645.40, is amended to read:

645.40 [NON-EXISTENCE OF REASON FOR LAW *OR RULE* DOES NOT REPEAL IT.]

A law ~~shall~~ *is* not ~~be deemed~~ repealed because the reason for its passage no longer exists. *A rule is not automatically repealed because the reason for its adoption no longer exists unless the authority for its adoption is repealed.*

Sec. 56. Minnesota Statutes 1980, Section 645.41, is amended to read:

645.41 [NO IMPLIED REPEAL BY NON-USER.]

A law ~~shall~~ *or rule is* not ~~be deemed~~ repealed by the failure to use ~~such~~ *the* law *or rule*.

Sec. 57. Minnesota Statutes 1980, Section 645.44, Subdivision 1, is amended to read:

Subdivision 1. [MEANINGS ASCRIBED.] The following words, terms, and phrases used in Minnesota Statutes, *Minnesota Rules*, or any legislative act shall have the meanings given them in this section, unless another intention clearly appears.

Sec. 58. Minnesota Statutes 1980, Section 645.45, is amended to read:

645.45 [DEFINITIONS, CONTINUED.]

The following words and phrases, when used in any law enacted after the effective date of Laws 1941, Chapter 492, Section 45, *or rule*, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

(1) "Abode," means domicile;

(2) "Action," any proceeding in any court of this state;

(3) "Adult," an individual 18 years of age or over;

(4) "As now provided by law," *or "as now provided by rule" is* a reference to the laws *or rules* in force at the time the law *or rule* containing the phrase was finally enacted *or adopted*;

(5) "As provided by law," *or "as provided by rule" is* a reference to the laws *or rules* in force at the particular time the law *or rule* containing the phrase is applied;

(6) "Attorney at law," an individual admitted to practice law by a court of record of this state;

(7) "Attorney of record," an attorney at law who is entered on the docket or record of a court as appearing for or representing a party in a legal proceeding;

(8) "Child" or "children" includes children by birth or adoption;

(9) "Day" comprises the time from midnight to the next midnight;

(10) "Fiscal year," the year by or for which accounts are reckoned;

(11) "Hereafter," a reference to the time after the time when the law *or rule* containing ~~such~~ *the* word takes effect;

(12) "Heretofore," a reference to the time previous to the time when the law *or rule* containing ~~such~~ *the* word takes effect;

(13) "Judicial sale," a sale conducted by an officer or person authorized for the purpose by some competent tribunal;

(14) "Minor," an individual under the age of 18 years;

(15) "Money," lawful money of the United States;

(16) "Night time," the time from sunset to sunrise;

(17) "Non compos mentis," refers to an individual of unsound mind;

(18) "Notary," a notary public;

(19) "Now," in any provision of a law *or rule* referring to other laws *or rules* in force, or to persons in office, or to any facts or circumstances as existing, relates to the laws *or rules* in force, or to the persons in office, or to the facts or circumstances existing, respectively, on the effective date of ~~such provision~~ *the law or rule*;

(20) "Verified," when used in reference to writings, means supported by oath or affirmation.

Sec. 59. Minnesota Statutes 1980, Section 645.451, Subdivision 1, is amended to read:

Subdivision 1. The terms defined in the following subdivisions ~~shall~~ have the meanings given them for the purpose of any statute or law of this state now in force, for the purposes of any statute or law hereinafter enacted *or any rule adopted* unless ~~a different meaning is specifically attached to the terms or~~ the context clearly requires *a* different meaning.

Sec. 60. Minnesota Statutes 1980, Section 645.46, is amended to read:

645.46 [REFERENCE TO SUBDIVISION, *PARAGRAPH OR CLAUSE*.]

Subdivision 1. [STATUTES.] Wherever in the Minnesota Statutes or any legislative act a reference is made to a subdivision without stating the section of which the subdivision referred to is a part, the reference is to the subdivision of the section in which the reference is made.

Subd. 2. [RULES.] *Wherever in Minnesota Rules a reference is made to a paragraph or clause without stating the rule of which the paragraph or clause is a part, the reference is to the paragraph or clause of the rule in which the reference is made.*

Sec. 61. Minnesota Statutes 1980, Section 645.48, is amended to read:

645.48 [USE OF THE WORD "TO" WHEN REFERRING TO SEVERAL

SECTIONS *OR RULES*.]

Wherever in the Minnesota Statutes, *Minnesota Rules*, or any legislative act a reference is made to several sections *or rules* and the section *or rule* numbers given in the reference are connected by the word "to," the reference includes both the sections *or rules* whose numbers are given and all intervening sections *or rules*.

Sec. 62. Minnesota Statutes 1980, Section 648.31, Subdivision 6, is amended to read:

Subd. 6. [AGENCY RULES.] The revisor may integrate agency rules ~~adopted pursuant to Minnesota Statutes, Section 15.0412, Subdivisions 4, 4a to 4h, and 5,~~ into the Minnesota Statutes, or publish the rules as an adjunct to the Minnesota Statutes, or coordinate publication of the rules with the Minnesota Statutes.

Sec. 63. Minnesota Statutes 1980, Section 648.50, Subdivision 1, is amended to read:

Subdivision 1. The revisor of statutes shall:

(a) formulate a plan for the compilation of all permanent agency rules and, to the extent practicable, temporary agency rules, *adopted pursuant to the administrative procedure act or filed pursuant to section 15.0413, subdivision 3*, including their order, classification, arrangement, form, and indexing, and any appropriate tables, annotations, cross references, citations to applicable statutes, explanatory notes, and other appropriate material to facilitate use of the rules by the public, and for the compilation's composition, printing, binding and distribution;

(b) publish the compilation of *permanent* agency rules *and, if practicable, temporary rules, adopted pursuant to the administrative procedure act or filed pursuant to section 15.0413, subdivision 3*, which shall be called "Minnesota Rules" ~~for the year of the compilation's publication~~;

(c) periodically either publish a supplement or a new compilation, which includes all rules adopted since the last supplement or compilation was published and removes rules incorporated in prior compilations or supplements which are no longer effective;

(d) ~~periodically prepare and submit to the appropriate agency those revisions of the rules, which will, if adopted by the agency, in accordance with section 15.0412, subdivisions 4a to 4g, clarify, modernize or simplify the text of the rule without substantive alteration~~ *include in Minnesota Rules a consolidated list of publications incorporated by reference into the rules indicating where the publications are available for use or purchase by the public*;

(e) maintain an agency rules drafting department to draft or aid in the drafting of rules or amendments to rules for any agency in accordance with the objective or other instructions which the agency shall give the revisor;

(f) prepare and publish an agency rules drafting guide which shall set out the form and method for drafting rules and amendments to rules, and to which all rules shall comply; and

(g) copyright any compilations and or supplements in the name of the state of Minnesota.

Sec. 64. Minnesota Statutes 1980, Section 648.50, is amended by adding a subdivision to read:

Subd. 1a. The revisor of statutes shall periodically prepare style and form revisions of rules to clarify, modernize, or simplify the text without material change to the rules' substance or effect. Before beginning any revision, the revisor shall consult the agency whose rules will be subject to the revision. After the revision is prepared, the revisor shall present it to the agency and receive its consent to proceed to seek adoption of the revision. Upon receiving consent, the revisor shall seek adoption of the rules in accordance with section 15.0412. However, the need and reasonableness statement and any hearing shall be restricted to the issue of whether any material change in the substance and effect of the rule is proposed by the revisor. The revisor shall mail notice of any hearing to the persons registered with the agency whose rules are the subject of the revision. The revisor shall pay all cost to publish notices in the state register and to replenish the agency's stock of rules which exist at the time the revisor adopts the revised rules.

Sec. 65. Minnesota Statutes 1980, Section 648.50, is amended by adding a subdivision to read:

Subd. 1b. The revisor of statutes shall not:

(a) alter the sense, meaning, or effect of any rule in the course of compiling or publishing it;

(b) aid an agency in the preparation of any statement concerning the need for or reasonableness of a rule except as provided by section 64;

(c) act as legal counsel for an agency before a hearing examiner except as provided by section 64.

Sec. 66. Minnesota Statutes 1980, Section 648.50, is amended by adding a subdivision to read:

Subd. 1c. In order to ensure that the complete text of rules is included in the first compilation published pursuant to subdivision 1, clause (b), and containing the revisor's certificate, the revisor may use the Minnesota Code of Agency Rules, the State Register, the rule files of the secretary of state, the files of individual agencies, the records of the hearing examiner's office, and the records of the attorney general. The revisor is not required to compare the text of a rule as shown by the other possible source documents with the text of the rule in the secretary of state's file.

If any comparison of documents shows there is a material discrepancy in the text of the rule, the revisor shall include in Minnesota Rules the text in the secretary of state's files unless the discrepancy between the secretary of state's files and any of the other documents is the result of an obvious unintentional omission or clerical error. The text published by the revisor shall correct those omissions and errors. The revisor shall add an appropriate footnote describing the apparent discrepancy in text. Before publication of Minnesota Rules, the revisor shall also notify the agency whose rules are affected, the attorney general, the chief hearing examiner, and the legislative commission to review administrative rules.

If any comparison of documents shows that a rule has been filed with the secretary of state but apparently has not been published in the state register as

required by law the revisor may, unless the attorney general objects, include the rule in Minnesota Rules or omit the rule if the rule was a repeal but shall add an appropriate footnote describing the apparent fault. Before publication of Minnesota Rules, the revisor shall notify the agency whose rules are affected, the attorney general, the chief hearing examiner, and the legislative commission to review administrative rules.

If a comparison of documents shows that a rule as adopted in the state register has apparently not been filed with the secretary of state, the revisor may not publish the rule in Minnesota Rules unless the attorney general approves the publication. Before publication of Minnesota Rules the revisor shall notify the agency affected, the attorney general, the chief hearing examiner and the legislative commission to review administrative rules of the apparent lack of filing of the rule. If the revisor publishes the rule, the revisor shall add an appropriate footnote describing the apparent lack of filing.

The text of the rules in the first compilation published by the revisor is prima facie evidence of the text of the rules as against any previous documents. However, the previous documents may be used to construe the text of a rule. Except as provided in section 71, the compilation shall not be construed as repealing any unpublished rule. The rules published in the compilation shall be construed as continuations of prior rules and not as new rules.

Sec. 67. Minnesota Statutes 1980, Section 648.50, Subdivision 2, is amended to read:

Subd. 2. The revisor of statutes shall file with the secretary of state one copy of each compilation or supplement which is published. The *first compilation shall contain the revisor's certificate that the rules contained in it have been incorporated into the compilation in the manner required by law and that the incorporation is correct. Each* copy *thereafter* shall contain the revisor's certificate that the rules ~~contained in~~ *added to* the compilation or supplement have been compared to the original rules filed with the secretary of state and are correctly incorporated into the compilation.

Sec. 68. Minnesota Statutes 1980, Section 648.50, Subdivision 3, is amended to read:

Subd. 3. Any *subsequent* compilation or supplement published by the revisor and containing his certificate is prima facie evidence of the administrative rules in all courts and proceedings. ~~A~~ *Except as provided in section 71, a* compilation or supplement shall not be construed as repealing an unpublished rule. If there is any *material* inconsistency through omission or otherwise between *the first compilation*, a *subsequent* compilation or supplement, the state register, and a rule filed with the secretary of state, *and the omission or change was not due to the provisions of section 70 or 71 or the correction of an obvious error or unintentional omission as required by section 66*, the rule filed with the secretary shall prevail.

Sec. 69. Minnesota Statutes 1980, Section 648.50, Subdivision 4, is amended to read:

Subd. 4. *(a)* In preparing a compilation or supplement, the revisor ~~shall not alter the sense, meaning or effect of any rule, but~~ may renumber rules, paragraphs, clauses or other parts of a rule; combine or divide rules, paragraphs, clauses or other parts of a rule; rearrange the order of rules, paragraphs,

clauses, or other parts of a rule; move paragraphs, clauses, or other parts of a rule to another rule; *remove redundant language; make minor punctuation and grammatical changes to facilitate the renumbering, combining, dividing, and rearranging of rules or parts of rules;* change reference numbers to agree with renumbered rules, paragraphs, clauses or other parts of a rule; substitute the proper rule, paragraph, clause, or other part of a rule for the term "this rule", "the preceding rule" and the like; substitute numbers for written words and written words for numbers; *substitute the term "rule" for the term "regulation" when "regulation" refers to a Minnesota rule;* substitute the date on which the rule becomes effective for the words "the effective date of this rule", and the like; change capitalization, *punctuation, and forms of citation* for the purpose of uniformity; correct manifest clerical or typographical errors; correct all misspelled words; and correct manifest grammatical and punctuation errors.

(b) The revisor shall provide headnotes as catch words to rules and, if appropriate, to paragraphs, clauses, or other parts of a rule. The headnotes are not part of the rule even if included with the rule when ~~it is~~ adopted. The revisor shall change headnotes to clearly indicate the subject matter of the rules. *"Headnote" means any text functioning as catch words to the substance of text and not itself communicating the substantive content of the rule.*

Sec. 70. Minnesota Statutes 1980, Section 648.50, is amended by adding a subdivision to read:

Subd. 4a. For purposes of any compilation or publication of the rules, the revisor, unless the attorney general objects, may omit any extraneous descriptive or informative text which is not an operative portion of the rule. The revisor may also omit effective date provisions, statements that a rule is repealed, prefaces, appendices, guidelines, organizational descriptions, explanations of federal or state law, and similar material. The revisor shall consult with the agency, the attorney general, the legislative commission to review administrative rules, and with the chief hearing examiner before omitting any text from publication.

Sec. 71. Minnesota Statutes 1980, Section 648.50, is amended by adding a subdivision to read:

Subd. 4b. For the purposes of any compilation or publication of the rules, the revisor, unless the attorney general objects, may omit any rules that, by their own terms, are no longer effective or have been repealed directly by the agency, repealed by the legislature, or declared unconstitutional or otherwise void by a court of last resort. The revisor shall not remove a rule which is suspended and not fully repealed, but shall, if practicable, note the fact of suspension in Minnesota Rules. The revisor shall consult the agency involved, the attorney general, the chief hearing examiner, and the legislative commission to review administrative rules before omitting a rule from publication.

Sec. 72. Minnesota Statutes 1980, Section 648.50, Subdivision 6, is amended to read:

Subd. 6. In determining the *drafting* form of rules the revisor shall:

(a) minimize duplication of statutory language;

(b) not permit incorporations into the rules by reference of publications

which are not conveniently available to the public;

(c) to the extent practicable, use plain language in rules and avoid technical language; and

(d) amend rules by showing the text of the rule, paragraph, clause, or other part of a rule being amended *as necessary to provide adequate notice of the nature of the proposed amendment*, as it is shown in the latest compilation or supplement, or, if not yet published in a compilation or supplement, then as the text is shown in the state register, with changes shown by striking and underlining words.

Sec. 73. [REPEALER.]

Minnesota Statutes 1980, Sections 15.015; 15.02; 15.03; 15.04; 174.06, Subdivision 6; 245.04; 245.05; 245.06; and 245.07 are repealed.

Sec. 74. [EFFECTIVE DATE.]

Sections 1 to 73 are effective July 1, 1981."

Delete the title and insert:

"A bill for an act relating to administrative procedures; providing for changes in the recompilation, publication, and drafting of administrative rules; modifying the powers of the revisor of statutes with respect to compiling, publishing, and drafting of administrative rules; clarifying which rules are to be published; fixing a common nomenclature for certain steps in the administrative process; extending statutory standard definitions of terms and principles of construction to administrative rules; providing for the effect of transferring responsibilities between agencies; removing certain obsolete terms and clarifying certain language; amending Minnesota Statutes 1980, Sections 3.965, Subdivision 2; 15.0411, Subdivisions 2 and 3; 15.0412, Subdivisions 1, 1a, 2a, 4, 4c, 4d, 4e, 4f, 4g, 4h, 5, 7, 8, 9 and 10; 15.0413; 15.0415; 16.86, Subdivision 2; 62E.10, Subdivision 8; 121.931, Subdivision 8; 121.932, Subdivision 3; 182.655, Subdivision 1; 238.09, Subdivision 9; 271.06, Subdivision 7; 299A.03, Subdivision 6; 360.015, Subdivisions 4, 5 and 16; 645.071, Subdivision 1; 645.08; 645.11; 645.12, Subdivision 1; 645.13; 645.14; 645.15; 645.18; 645.19; 645.20; 645.21; 645.23; 645.24; 645.26, Subdivisions 1 and 2; 645.31, Subdivision 1; 645.34; 645.35; 645.36; 645.37; 645.39; 645.40; 645.41; 645.44, Subdivision 1; 645.45; 645.451, Subdivision 1; 645.46; 645.48; 648.31, Subdivision 6; 648.50, Subdivisions 1, 2, 3, 4 and 6, and by adding subdivisions; proposing new law coded in Minnesota Statutes, Chapters 15 and 645; repealing Minnesota Statutes 1980, Sections 15.015 to 15.04; 174.06, Subdivision 6; and 245.04 to 245.07."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 516: A bill for an act relating to handicapped persons; prohibiting persons serving as foreign language interpreters or interpreters for persons with hearing or speaking impairments from disclosing communications made to them during the course of civil, criminal or administrative proceedings; amending Minnesota Statutes 1980, Sections 546.44, by adding a subdivision;

595.02; 611.30; 611.31; and 611.33, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 12, insert:

"Section 1. Minnesota Statutes 1980, Section 546.42, is amended to read:

546.42 [~~HANDICAPPED~~ PERSONS *HANDICAPPED IN COMMUNICATION*; INTERPRETERS.]

For the purposes of sections 546.42 to 546.44 a ~~handicapped~~ person *handicapped in communication* is one who, because of a hearing, speech or other communication disorder, or because of the inability to speak or comprehend the English language, is unable to understand the proceedings in which he is required to participate, or when named as a party to a legal proceeding, is unable by reason of such deficiency to obtain due process of law."

Page 1, line 16, delete "*cannot*" and insert "*shall not*"

Page 1, line 17, delete "*handicapped*" and after "*person*" insert "*handicapped in communication*"

Page 1, line 17, delete "*compelled*" and insert "*allowed*"

Page 1, lines 17 and 18, after "*any*" insert "*privileged*"

Page 1, lines 18 and 19, delete "*handicapped*"

Page 3, lines 21, 22, 23, and 25, delete "*handicapped*"

Page 3, lines 21 and 25, after "*person*" insert "*handicapped in communication*"

Page 3, line 23, delete "*such*" and insert "*the*"

Page 4, lines 3, 24, 25, and 26, delete "*handicapped*"

Page 4, line 3, after "*persons*" insert "*handicapped in communication*"

Page 4, line 4, strike "such persons" and insert "*them*"

Page 4, lines 6 and 7, strike "such"

Page 4, line 7, after "persons" insert "*handicapped in communication*"

Page 4, line 12, strike "handicapped"

Page 4, line 13, after the first "person" insert " *handicapped in communication*"

Page 4, line 23, delete "*cannot*" and insert "*shall not*"

Page 4, line 24, after "*person*" insert "*handicapped in communication*"

Page 4, line 24, delete "*compelled*" and insert "*allowed*"

Page 4, lines 24 and 25, after "*any*" insert "*privileged*"

Page 4, line 27, delete "*such*" and insert "*an*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "handicapped"

Page 1, line 2, after the first "persons" insert "handicapped in communication"

Page 1, line 8, after "Sections" insert "546.42;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 188: A bill for an act relating to crimes; regulating the furnishing and possession of tear gas compounds; providing penalties; amending Minnesota Statutes 1980, Section 624.73.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [624.731] [TEAR GAS AND TEAR GAS COMPOUNDS.]

Subdivision 1. [DEFINITIONS.] *For the purposes of this section, "authorized tear gas compound" means any substance composed of a mixture of a lachrymator including chloroacetophenone, alpha-chloroacetophenone, orthochlorobenzalmalononitrile or oleoresin capsicum, and the chemical commonly known as tear gas.*

Subd. 2. [AUTHORIZED POSSESSION; USE.] *Except as provided in subdivisions 3 and 4, a person may possess and use an authorized tear gas compound in the exercise of reasonable force in defense of the person or his property only if it is propelled from an aerosol container, labelled with or accompanied by clearly written instructions as to its use and the dangers involved in its use, and dated to indicate its anticipated useful life.*

Subd. 3. [PROHIBITED POSSESSION; USE.] *(a) No person under the age of 16 shall possess or use an authorized tear gas compound except by written permission of his parent or guardian. (b) No person prohibited from possessing a pistol pursuant to section 624.713, subdivision 1, clause (b), shall possess or use an authorized tear gas compound. (c) No person prohibited from possessing a pistol pursuant to section 624.713, subdivision 1, clauses (c) to (e), shall possess or use an authorized tear gas compound, except that the certificate or other proof required for possession of a handgun shall not apply. (d) No person shall possess or use tear gas or a tear gas compound other than an authorized tear gas compound.*

Subd. 4. [PROHIBITED USE.] *(a) No person shall knowingly, or with reason to know, use tear gas, a tear gas compound, or an authorized tear gas compound on or against a peace officer who is in the performance of his duties. (b) No person shall use tear gas, a tear gas compound, or an authorized tear gas compound except as authorized in subdivision 2 or subdivision 6. (c) Tear gas or a tear gas compound shall legally constitute a weapon when it is used in the commission of a crime.*

Subd. 5. [PROHIBITED SALE.] *Except as provided in subdivisions 2 and 6, no person shall knowingly furnish or sell tear gas or a tear gas compound to another person. No person shall knowingly furnish or sell an authorized tear*

gas compound to a person prohibited from possessing it by subdivision 3. No person shall knowingly furnish or sell an authorized tear gas compound which fails to meet the requirements of subdivision 2.

Subd. 6. [EXCEPTIONS.] *Nothing in this section shall prohibit the possession or use of by, or the sale or furnishing of, tear gas, a tear gas compound, or an authorized tear gas compound to, a law enforcement agency, peace officer, the national guard or reserves, or a member of the national guard or reserves for use in their official duties.*

Subd. 7. [EXEMPTION.] *Tear gas, tear gas compounds, and authorized tear gas compounds shall not be classified as an obnoxious or harmful gas, fluid, or substance under section 609.60, clause (5).*

Subd. 8. [PENALTIES.] *(a) The following violations of this section shall be considered a felony:*

(1) The possession or use of tear gas, a tear gas compound, or an authorized tear gas compound by a person specified in subdivision 3, clause (b).

(2) Knowingly selling or furnishing of tear gas, a tear gas compound, or an authorized tear gas compound to a person specified in subdivision 3, clause (b).

(b) The following violation of this section shall be considered a gross misdemeanor and shall be punished by not less than 90 days in jail: The prohibited use of tear gas, a tear gas compound, or an authorized tear gas compound as specified in subdivision 4, clause (a).

(c) The following violations of this section shall be considered a misdemeanor:

(1) The possession or use of tear gas, a tear gas compound, or an authorized tear gas compound which fails to meet the requirements of subdivision 2 by any person except as allowed by subdivision 6.

(2) The possession or use of an authorized tear gas compound by a person specified in subdivision 3, clause (a) or clause (c).

(3) The use of tear gas, a tear gas compound, or an authorized tear gas compound except as allowed by subdivision 2 or subdivision 6.

(4) Knowingly selling or furnishing an authorized tear gas compound to a person specified in subdivision 3, clause (a) or clause (c).

(5) Selling or furnishing of tear gas or a tear gas compound other than an authorized tear gas compound to any person except as allowed by subdivision 6.

Subd. 9. [LOCAL REGULATION.] *This section shall be the exclusive regulation of the possession, use, sale, and furnishing of tear gas, tear gas compounds, and authorized tear gas compounds in Minnesota. This section shall supersede and preempt all regulation of the possession, use, sale, and furnishing of tear gas and tear gas compounds by political subdivisions.*

Sec. 2. [REPEALER.]

Minnesota Statutes 1980, Section 624.73, is repealed.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment provided that an authorized tear gas compound need not meet the labelling and dating requirements of section 1 until January 1, 1982."

Amend the title as follows:

Page 1, delete lines 2 to 4 and insert:

"relating to crimes; regulating the possession, use, sale, and furnishing of tear gas and tear gas compounds; providing penalties; proposing new law coded in Minnesota Statutes, Chapter 624; repealing Minnesota Statutes 1980, Section 624.73."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which were referred

H. F. Nos. 339 and 487 for comparison with companion Senate Files, reports the following House Files were found not identical with their companion Senate Files 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.
487	229				
339	323				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 487 be amended as follows:

Page 2, lines 8 and 9, delete "*Ramsey county board of commissioners*" and insert "*commissioner of revenue*"

Page 2, line 9, delete everything after "*shall*"

Page 2, delete line 10

Page 2, line 11, delete "*submit the list*" and insert "*immediately give notice thereof*"

Page 2, line 11, after "*The*" delete "*list*" and insert "*notice*"

Page 2, line 13, delete "*buildings or structures*" and insert "*improvements*"

Page 2, lines 14 and 15, delete "*Ramsey county board of commissioners' list*" and insert "*commissioner's notice*"

Page 2, line 17, delete "*for*" and insert "*in favor of*"

Page 2, line 19, delete "*name of the*" and "*or*"

Page 2, line 21, delete "*be*" and insert "*must*"

Page 2, line 21, delete "*utilized*" and insert "*be used*"

Page 2, line 21, delete "*a*"

Page 2, line 22, delete "*portion*" and insert "*some*"

Page 2, line 23, before the period insert "*; or (iii) allow the parcel to be disposed of pursuant to chapter 282*"

Page 2, line 28, delete "*for*" and insert "*in favor of*"

Page 2, delete line 29

Page 2, line 30, delete "*county board of commissioners*" and insert ", *the taxing subdivision*"

Page 2, line 32, delete "*conveyed*" and insert "*released*"

Page 2, lines 32 and 33, delete "*to the state*"

And when so amended H. F. No. 487 will be identical to S. F.No. 229, and further recommends that H. F. No. 487 be given its second reading and substituted for S. F. No. 229, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 339 be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [MAINTENANCE NOT REQUIRED FOR CERTAIN TOWN ROADS.]

The town boards of the towns in St. Louis County may by resolution determine whether to open or maintain town roads upon which no maintenance or construction work has been done for 25 years or more when duly authorized by a vote of the electors of any annual meeting or a special meeting called for that purpose. The provisions of Minnesota Statutes, Section 163.16 shall not apply to town roads upon which no maintenance or construction work has been done for 25 years or more.

Sec. 2. [EFFECTIVE DATE.]

This act is effective for each town in St. Louis County upon the approval of the town board of supervisors of that town and upon compliance with Minnesota Statutes, Section 645.021."

Delete the title and insert:

"A bill for an act relating to towns in St. Louis County; providing a method for determining whether to open or maintain certain town roads."

And when so amended H. F. No. 339 will be identical to S. F.No. 323, and further recommends that H. F. No. 339 be given its second reading and substituted for S. F. No. 323, 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 were referred

H. F. Nos. 347, 634, 876, 1075, and 1083 for comparison with companion Senate Files, reports the following House Files were found identical and recommends the House Files be given their second reading and substituted for their companion Senate Files 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.
347	523	1083	990		
634	529				
876	581				
1075	991				

and that the above Senate Files 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 were referred

H. F. Nos. 131 and 604 for comparison with companion Senate Files, reports the following House Files were found not identical with their companion Senate Files 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.
131	154				
604	791				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 131 be amended as follows:

Page 1, line 12, delete "subdivisions" and insert "a subdivision"

Page 1, line 14, delete "*civilly or*"

Page 1, line 15, delete "*criminally*"

Page 1, line 15, after "*liable*" insert "*in a civil or criminal proceeding*"

Page 1, line 15, delete everything after "*releasing*"

Page 1, line 16, delete everything before "*to*" and after "*county*" insert a comma

Page 1, line 20, before the semicolon insert "*any of the following information relating to the drawer's account*"

Page 1, line 26, after "*during*" insert a a comma

Page 2, line 3, delete "*current*" and insert "*last known*"

Page 2, after line 4, insert:

"Sec. 2. Minnesota Statutes 1980, Section 609.535, is amended by adding a subdivision to read:"

Page 2, delete lines 6 to 11, and insert "HOLDER.] *If there is a written request to a drawee from a payee or holder of a check or other order for the*

payment of money that has been dishonored other than by a stop payment order, accompanied with a photostatic copy of the dishonored check or other order for payment of money, the drawee shall not be liable in a civil or criminal proceeding for releasing to the payee or holder any of the following information relating to the drawer's account:"

Page 2, line 12, after "*Whether*" insert a comma and before "*order*" delete "*the*" and insert "*other*"

Page 2, line 13, after "*payment*" insert a comma

Page 2, line 17, delete "*most current*" and insert "*last known*"

Page 2, delete line 19, and insert:

"Sec. 3. Minnesota Statutes 1980, Section 609.535, is amended by adding a subdivision to read:

Subd. 8. [NOTICE.] *The provisions of subdivisions 6 and 7 shall not be applicable unless the notice to the maker or drawer required by subdivision 3 states that if the check or other order for the payment of money is not paid in full within five business days after receipt of the notice, the drawee may release information relating to the issuer's account to the payee or holder of the check or other order for the payment of money and to law enforcement and prosecuting authorities. No person shall be liable for threatening a criminal action to collect a civil obligation solely because of inclusion of the language permitted to be contained in the notice by this subdivision.*

Sec. 4. Minnesota Statutes 1980, Section 609.535, is amended by adding a subdivision to read:

Subd. 9. [CONFIDENTIALITY OF INFORMATION.] *Any information*"

Page 2, line 21, delete the comma after "*delivered*"

Page 2, line 22, delete the comma after "*delivery*"

Page 2, line 26, delete "2" and insert "5"

Page 2, line 27, delete "*Section 1*" and insert "*This act*"

Amend the title as follows:

Page 1, line 7, before "amending" insert "providing notification of the release of information; restricting further disclosure of information released;"

And when so amended H. F. No. 131 will be identical to S. F. No. 154, and further recommends that H. F. No. 131 be given its second reading and substituted for S. F. No. 154, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 604 be amended as follows:

Page 3, line 20, delete "*no less than that*"

Page 3, line 21, strike "allowed for state employees pursuant to section 471.665,"

Page 3, line 22, strike "subdivision 1"

Page 3, line 22 before the semicolon, insert "*to be set by the governing body that sets the compensation of the election judge*"

And when so amended H. F. No. 604 will be identical to S. F.No. 791, and further recommends that H. F. No. 604 be given its second reading and substituted for S. F. No. 791, 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. 272, 692, 533, 1118, 576, 771, 726, 513, 268, 388, 269, 517, 732, 595, 1043, 516 and 188 were read the second time.

SECOND READING OF HOUSE BILLS

H. F. Nos. 829, 258, 168, 371, 487, 339, 347, 634, 876, 1075, 1083, 131 and 604 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Spear moved that the name of Mrs. Stokowski be added as co-author to S. F. No. 452. The motion prevailed.

Mr. Petty moved that the name of Mr. Dahl be added as co-author to S. F. No. 730. The motion prevailed.

Mr. Sikorski moved that the name of Mrs. Stokowski be added as co-author to S. F. No. 842. The motion prevailed.

Mr. Peterson, R. W. moved that the name of Mr. Lessard be added as co-author to S. F. No. 985. The motion prevailed.

Mrs. Lantry moved that the name of Mrs. Stokowski be added as co-author to S. F. No. 1011. The motion prevailed.

Mr. Humphrey moved that the name of Mr. Dahl be added as co-author to S. F. No. 1082. The motion prevailed.

Mr. Humphrey moved that the name of Mr. Dahl be added as co-author to S. F. No. 1086. The motion prevailed.

Ms. Berglin moved that the name of Mr. Merriam be added as co-author to S. F. No. 1237. The motion prevailed.

Mr. Davis moved that the name of Mr. Rued be added as co-author to S. F. No. 1242. The motion prevailed.

Mr. Humphrey introduced—

Senate Resolution No. 49: A Senate resolution acknowledging April as cancer control month in Minnesota.

Referred to the Committee on Rules and Administration.

CALENDAR

H. F. No. 117: A bill for an act relating to general assistance; removing the presumption of eligibility from general assistance; providing that applications be permitted no later than four days after assistance is requested; requiring that determinations be made with respect to the need for emergency general assistance; providing that eligibility determinations for general assistance be made no later than 30 days following application; providing that the first general assistance grant be computed for eligible applicants from the time when assistance is requested; requiring vendor payments of grants until eligibility determinations are complete; amending Minnesota Statutes 1980, Sections 256D.07 and 256D.09, Subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Frank	Lantry	Peterson,R.W.	Stumpf
Benson	Frederickson	Lindgren	Petty	Taylor
Berg	Hanson	Luther	Ramstad	Tennessen
Berglin	Hughes	Merriam	Renneke	Ulland
Bernhagen	Humphrey	Moe, D. M.	Rued	Vega
Bertram	Johnson	Moe, R. D.	Schmitz	Waldorf
Brataas	Keefe	Nelson	Setzepfandt	Wegener
Dahl	Knoll	Olhoft	Sieloff	Willet
Davies	Knutson	Pehler	Solon	
Davis	Kroening	Penny	Spear	
Dieterich	Kronebusch	Peterson,C.C.	Stern	
Engler	Langseth	Peterson,D.L.	Stokowski	

So the bill passed and its title was agreed to.

S. F. No. 356: A bill for an act relating to taxation; authorizing certain taxing districts to provide property tax exemption or abatement for certain new business facilities; requiring an adjustment of the EARC valuation; adjusting the local government aid formula; requiring a report from the commissioner of revenue; requiring county approval and providing for a reverse referendum; amending Minnesota Statutes 1980, Sections 124.212; and 477A.01, Subdivision 4; proposing new law coded in Minnesota Statutes, Chapter 273.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 34 and nays 23, as follows:

Those who voted in the affirmative were:

Berg	Hanson	Moe, R. D.	Petty	Stern
Bernhagen	Hughes	Nelson	Ramstad	Taylor
Bertram	Humphrey	Olhoft	Renneke	Ulland
Chmielewski	Johnson	Pehler	Rued	Vega
Davis	Knutson	Penny	Schmitz	Wegener
Engler	Langseth	Peterson,C.C.	Setzepfandt	Willet
Frederickson	Lindgren	Peterson,D.L.	Solon	

Those who voted in the negative were:

Ashbach	Dahl	Knoll	Merriam	Stokowski
Belanger	Davies	Kroening	Moe, D. M.	Stumpf
Benson	Dieterich	Kronebusch	Peterson,R.W.	Waldorf
Berglin	Frank	Lantry	Sieloff	
Brataas	Keefe	Luther	Spear	

So the bill passed and its title was agreed to.

CONSENT CALENDAR

S. F. No. 825: A bill for an act relating to courts; abolishing the maintenance of certain court records; amending Minnesota Statutes 1980, Sections 485.07; 548.08; 548.15; 548.22; 548.24; and 572.22, Subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 53 and nays 0, as follows:

Those who voted in the affirmative were:

Belanger	Dieterich	Kronebusch	Penny	Spear
Benson	Engler	Langseth	Peterson,D.L.	Stern
Berg	Frank	Lantry	Peterson,R.W.	Stokowski
Berglin	Frederickson	Lindgren	Petty	Stumpf
Bernhagen	Hanson	Luther	Ramstad	Taylor
Bertram	Hughes	Merriam	Renneke	Ulland
Brataas	Humphrey	Moe, D. M.	Rued	Vega
Chmielewski	Johnson	Moe, R. D.	Schmitz	Waldorf
Dahl	Knoll	Nelson	Setzepfandt	Wegener
Davies	Knutson	Olhoft	Sieloff	
Davis	Kroening	Pehler	Solon	

So the bill passed and its title was agreed to.

S. F. No. 718: A bill for an act relating to marriage; making the age of consent requirements for boys the same as for girls; amending Minnesota Statutes 1980, Section 517.02.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 55 and nays 2, as follows:

Those who voted in the affirmative were:

Ashbach	Davis	Knutson	Pehler	Sieloff
Belanger	Dieterich	Kronebusch	Penny	Solon
Benson	Engler	Langseth	Peterson,C.C.	Spear
Berg	Frank	Lantry	Peterson,D.L.	Stern
Berglin	Frederickson	Lindgren	Peterson,R.W.	Stokowski
Bernhagen	Hanson	Luther	Petty	Stumpf
Bertram	Hughes	Merriam	Ramstad	Taylor
Brataas	Humphrey	Moe, D. M.	Renneke	Ulland
Chmielewski	Johnson	Moe, R. D.	Rued	Vega
Dahl	Keefe	Nelson	Schmitz	Wegener
Davies	Knoll	Olhoft	Setzepfandt	Willet

Messrs. Kroening and Waldorf voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 214: A bill for an act relating to labor; regulating certain steam engine and boiler operators; exempting certain operators from testing requirements; amending Minnesota Statutes 1980, Section 183.411.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Kronebusch	Peterson,C.C.	Stern
Belanger	Engler	Langseth	Peterson,D.L.	Stokowski
Benson	Frank	Lantry	Peterson,R.W.	Stumpf
Berg	Frederickson	Lindgren	Petty	Taylor
Berglin	Hanson	Luther	Ramstad	Ulland
Bernhagen	Hughes	Merriam	Renneke	Vega
Bertram	Humphrey	Moe, D. M.	Rued	Waldorf
Brataas	Johnson	Moe, R. D.	Schmitz	Wegener
Chmielewski	Keefe	Nelson	Setzepfandt	Willet
Dahl	Knoll	Olhoft	Sieloff	
Davies	Knutson	Pehler	Solon	
Davis	Kroening	Penny	Spear	

So the bill passed and its title was agreed to.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Mr. Chmielewski introduced—

S.F. No. 1250: A bill for an act relating to taxation; creating a new property classification and providing a reduced assessment ratio for commercial and industrial property; amending Minnesota Statutes 1980, Section 273.13, Subdivision 9.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Rued, Bertram, Benson, Berg and Dicklich introduced—

S.F. No. 1251: A bill for an act relating to health; changing the mandatory fluoridation program to an optional one; amending Minnesota Statutes 1980, Section 144.145.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Davies, Dahl and Keefe introduced—

S.F. No. 1252: A bill for an act relating to insurance; removing insurance solicitors from insurance licensing provisions; prescribing certain fees; providing for licensing of certain legal entities as agents; providing for the licensing of other insurance agents; providing for examinations; providing exceptions to the licensing requirements; authorizing temporary licenses; providing for appointment of agents by insurers; prohibiting certain persons from obtaining an agent's license; providing for the revocation or suspension of licenses upon specified conditions; providing for the surrender, loss, or des-

truction of licenses; prescribing certain powers of the commissioner; authorizing the sale of contracts on a variable basis without licensure in certain circumstances; authorizing the commissioner to promulgate rules; prescribing penalties; amending Minnesota Statutes 1980, Sections 60A.02, Subdivision 7; 60A.14, Subdivision 1; 60A.17, Subdivisions 1, 3, 5, 6, 10, 12, and 13, and by adding subdivisions; repealing Minnesota Statutes 1980, Sections 60A.02, Subdivision 8; and 60A.17, Subdivisions 2, 2a, 2b, 4, 5a, 6a, 7, and 9.

Referred to the Committee on Commerce.

Mr. Knoll introduced—

S.F. No. 1253: A bill for an act relating to consumer protection; providing for a definition of building materials which may contain urea formaldehyde; providing for exceptions; amending Minnesota Statutes 1980, Section 325F.18, by adding a subdivision.

Referred to the Committee on Commerce.

Mr. Ramstad introduced—

S.F. No. 1254: A bill for an act relating to state government; changing the name of the department of public welfare to the department of social services; amending Minnesota Statutes 1980, Section 245.03.

Referred to the Committee on Governmental Operations.

Messrs. Berg, Bernhagen, Frederick, Setzepfandt and Peterson, C.C. introduced—

S.F. No. 1255: A bill for an act relating to taxation; exempting sales of certain food products from the sales tax; amending Minnesota Statutes 1980, Section 297A.25, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Ulland, Stumpf, Ramstad, Mrs. Kronebusch and Mr. Knoll introduced—

S.F. No. 1256: A bill for an act relating to state government; directing the commissioner of administration to obtain state office space in certain types of historically significant buildings when practical; authorizing the commissioner to lease or provide space in state buildings for commercial, cultural, recreational, and educational activities; amending Minnesota Statutes 1980, Section 16.243; proposing new law coded in Minnesota Statutes, Chapter 16.

Referred to the Committee on Governmental Operations.

Messrs. Frank and Merriam introduced—

S.F. No. 1257: A bill for an act relating to drainage; eliminating requirement for auditor's lien statement; changing payment procedures for assessments for certain ditches and drainage systems; amending Minnesota Statutes 1980, Sections 106.371; 106.381; 106.391; 106.401; 106.411, Subdivision 9; 106.471, Subdivisions 5 and 6; 106.491; and 112.64, Subdivision 2; repealing

Minnesota Statutes 1980, Sections 106.341, 106.351 and 106.361.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Ulland, Purfeerst and Ashbach introduced—

S.F. No. 1258: A bill for an act relating to state contracts; requiring public work contracts to contain an equitable adjustment clause; proposing new law coded in Minnesota Statutes 1980, Chapter 446.

Referred to the Committee on Governmental Operations.

Mr. Humphrey introduced—

S.F. No. 1259: A bill for an act relating to Independent School District No. 281, Robbinsdale; providing an alley system for at large election of school board members.

Referred to the Committee on Elections and Reapportionment.

Messrs. Lessard, Johnson, Hanson, Willet and Merriam introduced—

S.F. No. 1260: A bill for an act relating to taxation; providing that owners or occupants of auxiliary forest lands and owners of forest lands under the tree growth tax law shall not be required to build or maintain partition fences; amending Minnesota Statutes 1980, Sections 88.49, by adding a subdivision; and 270.38, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Mr. Chmielewski introduced—

S.F. No. 1261: A bill for an act relating to health; altering the definition of certain terms in the certificate of need act; allowing health care facilities to change some services under certain circumstances without obtaining a certificate of need; amending Minnesota Statutes 1980, Section 145.833, Subdivision 5.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Merriam and Peterson, R.W. introduced—

S.F. No. 1262: A bill for an act relating to the Coon Creek watershed district; authorizing an annual administrative levy by the district.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Merriam and Setzepfandt introduced—

S.F. No. 1263: A bill for an act relating to commerce; prohibiting certain sales of gasoline for prices which are determined by certain factors other than actual gallonage received; proposing new law coded in Minnesota Statutes, Chapter 296.

Referred to the Committee on Commerce.

Mr. Merriam introduced—

S.F. No. 1264: A bill for an act relating to taxation; correcting the formula

for limiting the property tax credit for transmission lines; amending Minnesota Statutes 1980, Section 273.42, Subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Mrs. Lantry introduced—

S.F. No. 1265: A bill for an act relating to the Battle Creek watershed district; permitting deferral of special assessments in certain cases of hardship.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Bertram introduced—

S.F. No. 1266: A bill for an act relating to retirement; granting an option as to public employees retirement association membership to employees of public hospitals, nursing homes and extended care facilities; proposing new law coded in Minnesota Statutes, Chapter 355; repealing Minnesota Statutes 1980, Section 355.73, Subdivision 6.

Referred to the Committee on Public Employees and Pensions.

Messrs. Kroening, Willet and Mrs. Lantry introduced—

S.F. No. 1267: A bill for an act relating to public employment; creating a new bargaining unit for state employees; amending Minnesota Statutes 1980, Section 179.741, Subdivision 1, and by adding a subdivision.

Referred to the Committee on Public Employees and Pensions.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS

CONFIRMATION

Mr. Merriam moved that the report from the Committee on Agriculture and Natural Resources, reported April 6, 1981, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Merriam moved that the foregoing report be now adopted. The motion prevailed.

Mr. Merriam moved that in accordance with the report from the Committee on Agriculture and Natural Resources, reported April 6, 1981, the Senate, having given its advice, do now consent to and confirm the appointment of:

WATER PLANNING BOARD

Alvin Payne, Rt. 1, Box 40, DeGraff, Chippewa County, effective August 13, 1980, for a term expiring June 30, 1982.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Mr. Spear moved that the report from the Committee on Public Employees

and Pensions, reported April 6, 1981, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Spear moved that the foregoing report be now adopted. The motion prevailed.

Mr. Spear moved that in accordance with the report from the Committee on Public Employees and Pensions, reported April 6, 1981, the Senate, having given its advice, do now consent to and confirm the appointments of:

PUBLIC EMPLOYMENT RELATIONS BOARD

Karl F. Landholm, 735 Arbogast, St. Paul, Ramsey County, effective June 12, 1980, for a term expiring the first Monday in January, 1982.

Karen A. Olsen, 1809 41st Avenue NE, Minneapolis, Anoka County, effective April 20, 1979, for a term expiring the first Monday in January, 1983.

The motion prevailed. So the appointments were confirmed.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Thursday, April 9, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRTY-SECOND DAY

St. Paul, Minnesota, Thursday, April 9, 1981

The Senate met at 11:00 a.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Kenneth J. Siess.

The roll was called, and the following Senators answered to their names:

Ashbach	Dicklich	Kroening	Penny	Solon
Bang	Dieterich	Kronebusch	Peterson, C.C.	Spear
Belanger	Engler	Langseth	Peterson, D.L.	Stern
Benson	Frank	Lantry	Peterson, R.W.	Stokowski
Berg	Frederick	Lessard	Petty	Stumpf
Berglin	Frederickson	Lindgren	Pillsbury	Taylor
Bernhagen	Hanson	Luther	Purfeerst	Tennessen
Bertram	Hughes	Menning	Ramstad	Ulland
Brataas	Humphrey	Merriam	Renneke	Vega
Chmielewski	Johnson	Moe, R.D.	Rued	Waldorf
Dahl	Keefe	Nelson	Schmitz	Wegener
Davies	Knoll	Olhoft	Setzepfandt	Willet
Davis	Knutson	Pehler	Sieloff	

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. Moe, D.M. and Sikorski were excused from the Session of today. Mr. Hughes was excused from the Session of today from 11:00 a.m. to 12:15 p.m.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

April 8, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S. F. No. 345.

Sincerely yours,

Albert H. Quie, Governor

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Spear from the Committee on Public Employees and Pensions, to which was referred

S. F. No. 355: A bill for an act relating to retirement; providing post retirement annuity or benefit increases for certain retired or disabled public employees; appropriating funds; amending Laws 1979, Chapter 293, Section 10, Subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [POST RETIREMENT ADJUSTMENT; LUMP SUM PAYMENTS.]

Subdivision 1. [ENTITLEMENT.] *Any person who is receiving a retirement annuity, a disablility benefit or a surviving spouse's annuity or benefit from a retirement fund specified in subdivision 3, clauses (1) to (5), which was computed under the laws in effect prior to June 1, 1973, if the person is receiving an annuity or benefit from the retirement fund specified in subdivision 3, clause (4), or prior to July 1, 1973, if the person is receiving an annuity or benefit from a retirement fund specified in subdivision 3, clause (1), (2), (3) or (5), and any person who is receiving a "$2 bill and annuity" annuity from the retirement fund specified in subdivision 3, clause (6), and any person who is receiving a retirement annuity, a disability or a surviving spouse's annuity or benefit from the retirement fund specified in subdivision 3, clause (5), which was computed under the metropolitan transit commission-transit operating division employees retirement fund plan document in effect on or prior to December 31, 1977, shall be entitled to receive a post retirement adjustment from the applicable retirement fund in the amount specified in subdivision 2.*

Subd. 2. [AMOUNT OF POST RETIREMENT ADJUSTMENT; PAYMENT.] *For any person receiving an annuity or benefit on November 30, 1981, or on November 30, 1982, and entitled to receive a post retirement adjustment pursuant to subdivision 1, the post retirement adjustment shall be a lump sum payment in an amount equal to $16 during 1981 and $17 during 1982 for each full year of allowable service credited to the person by the respective retirement fund. The post retirement adjustment provided for in this section shall be payable for those persons receiving an annuity or benefit on November 30, 1981, on December 1, 1981, and for those persons receiving an annuity or benefit on November 30, 1982, on December 1, 1982. Nothing in this section shall authorize the payment of a post retirement adjustment to an estate. Notwithstanding Minnesota Statutes, Section 356.18, the post retirement adjustment provided for in this section shall be paid automatically unless the intended recipient files a written notice with the retirement fund requesting that the post retirement adjustment not be paid.*

Subd. 3. [COVERED RETIREMENT FUNDS.] *The post retirement adjustment provided for in this section shall apply to the following retirement funds:*

(1) Public employees retirement fund;

(2) Public employees police and fire fund;

(3) Teachers retirement fund;

(4) Highway patrol retirement fund;

(5) State employees retirement fund of the Minnesota state retirement system; and

(6) Minneapolis employees retirement fund.

Subd. 4. [TERMINAL AUDIT.] *Each covered retirement fund as specified in subdivision 3 shall, as soon as is practical following the payment of the December 1, 1981, and December 1, 1982, post retirement adjustments, calculate the amount of any appropriation apportioned to it which is in excess of the amounts required to pay the post retirement adjustments provided for in this act. The calculations required by this paragraph shall be reported to and verified by the commissioner of finance and amounts equal to these reported excess appropriation amounts shall be returned to the general fund.*

Sec. 2. [APPROPRIATION.]

There is hereby appropriated during the 1982-83 biennium, the amount of $.....for the purpose of funding the post retirement adjustments provided for in this section. The appropriation shall be apportioned to the retirement funds paying the post retirement adjustment as follows:

	FY 1982	*FY 1983*
public employees retirement fund	$.....	$.....
public employees police and fire fund	.....	.....
teachers retirement fund	.....	.....
highway patrol retirement fund	.....	.....
state employees retirement fund	.....	.....
Minneapolis employees retirement fund	.....	.....

Sec. 3. [EFFECTIVE DATE.]

This act is effective July 1, 1981."

Amend the title as follows:

Page 1, line 4, after "funds" delete the semicolon and insert a period

Page 1, delete lines 5 and 6

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 539: A bill for an act relating to marriage dissolution; changing certain provisions relating to child custody; providing for joint custody in certain cases; amending Minnesota Statutes 1980, Sections 518.003, by adding a subdivision; and 518.17.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"ARTICLE I

Section 1. Minnesota Statutes 1980, Section 257.34, Subdivision 1, is amended to read:

Subdivision 1. The mother and father of an illegitimate child may, in a writing signed by both of them before a notary public, declare and acknowledge under oath that they are the biological parents of the child. The declaration may provide that any illegitimate child born to the mother ~~on or~~ *at any time* before *or up to* ten months after the date of execution of the declaration is the biological child of the signatories. Execution of the declaration shall:

(a) Have the same consequences as an acknowledgement by the signatories of parentage of the child for the purposes of sections 62A.041 and 62C.14, subdivision 5a;

(b) Be conclusive evidence that the signatories are parents of the child for the purposes of sections 176.111 and 197.09 to 197.11;

(c) Have the same consequences as an acknowledgement by the father of paternity of the child for the purposes of sections ~~257.251~~ *257.57* and ~~257.252~~ *257.66*;

(d) When timely filed with the division of vital statistics of the Minnesota department of health as provided in section 259.261, qualify as an affidavit stating the intention of the signatories to retain parental rights as provided in section 259.261 if it contains the information required by section 259.261 or rules promulgated thereunder;

(e) Have the same consequences as a writing declaring paternity of the child for the purposes of section 525.172; and

(f) Be conclusive evidence that the signatories are parents of the child for the purposes of chapter 573.

Sec. 2. Minnesota Statutes 1980, Section 518.003, is amended by adding a subdivision to read:

Subd. 3. [CUSTODY.] *Unless otherwise agreed by the parties:*

(a) "Legal custody" means the right to determine the child's upbringing, including education, health care and religious training.

(b) "Joint legal custody" means that both parents have equal rights and responsibilities, including the right to participate in major decisions determining the child's upbringing, including education, health care and religious training.

(c) "Physical custody and residence" means the routine daily care and control and the residence of the child.

(d) "Joint physical custody" means that the routine daily care and control and the residence of the child is structured between the parties.

(e) Wherever used in this chapter, the term "custodial parent" or "custodian" means the person who has the physical custody of the child at any particular time.

Sec. 3. Minnesota Statutes 1980, Section 518.09, is amended to read:

518.09 [PROCEEDING; HOW AND WHERE BROUGHT; VENUE.]

A proceeding for dissolution or legal separation may be brought by either or

both spouses and shall be commenced by personal service of the summons and petition venued in the county where ~~the petitioner~~ *either spouse* resides ~~or, if the petitioner is not a resident of the state, then venued in the county where the respondent resides~~. If neither party resides in the state and jurisdiction is based on the domicile of ~~one or both of the parties~~ *either spouse*, the proceeding may be brought in the county where either party is domiciled. *If neither party resides or is domiciled in this state and jurisdiction is premised upon one of the parties being a member of the armed services stationed in this state for not less than 180 days immediately preceding the commencement of the proceeding, the proceeding may be brought in the county where the member is stationed.* This venue shall be subject to the power of the court to change the place of hearing by consent of the parties, or when it appears to the court that an impartial hearing cannot be had in the county where the proceedings are pending, or when the convenience of the parties or the ends of justice would be promoted by the change. No summons shall be required if a joint petition is filed.

Sec. 4. Minnesota Statutes 1980, Section 518.131, is amended by adding a subdivision to read:

Subd. 1a. [EVIDENCE NOT REQUIRED IN CERTAIN CASES.] *A restraining order or temporary order pursuant to this section or a final decree may contain the order set out in subdivision 1, clause (f), with no requirement that evidence on the matter be presented.*

Sec. 5. Minnesota Statutes 1980, Section 518.131, Subdivision 3, is amended to read:

Subd. 3. A party may request and the court may make an ex parte *order or ex parte* restraining order which may include any matter that may be included in a temporary order except:

(a) A restraining order may not exclude either party from the family home of the parties except upon a finding by the court of immediate danger of physical harm to the other party or the children of either party; and

(b) A restraining order may not deny visitation to either party or grant custody of the minor children to either party except upon a finding by the court of immediate danger of physical harm to the minor children of the parties.

Sec. 6. Minnesota Statutes 1980, Section 518.131, Subdivision 4, is amended to read:

Subd. 4. [SERVICE OF ORDERS.] Restraining orders shall be personally served upon the party to be restrained and shall be accompanied with a notice of the time and place of hearing for disposition of the matters contained in the restraining order at a hearing for a temporary order. *An ex parte restraining order pursuant to subdivision 3 may be served on the party to be restrained at the same time and in the same manner as the summons and petition.* When a restraining order has been issued, a hearing on the temporary order shall be held at the earliest practicable date. The restrained party may upon written notice to the other party advance the hearing date to a time earlier than that noticed by the other party. The restraining order shall continue in full force and effect only until the hearing time noticed, unless the court, for good cause and upon notice extends the time for hearing.

Sec. 7. Minnesota Statutes 1980, Section 518.131, is amended by adding a

subdivision to read:

Subd. 11. [EXPEDITED HEARING.] *Upon a showing within the application for temporary relief or upon a separate motion supported by an affidavit of necessity for emergency financial or other relief, the court shall schedule an expedited hearing not less than five days nor more than 14 days from the date of filing of the application for temporary relief or other motion and may, for good cause shown, shorten the time for service of the pleading and hearing thereon.*

Sec. 8. Minnesota Statutes 1980, Section 518.145, is amended to read:

518.145 [DECREE.]

A decree of dissolution of marriage or of legal separation is final when entered, subject to the right of appeal. *When entered, the findings of fact and conclusions of law may constitute the judgment and decree.* An appeal from the decree of dissolution that does not challenge the finding that the marriage is irretrievably broken does not delay the finality of that provision of the decree which dissolves the marriage beyond the time for appealing from that provision. A party may remarry before the time for appeal has run if it is not contested that the marriage is irretrievably broken or if a stipulation that the marriage is irretrievably broken is incorporated in the decree of dissolution.

Sec. 9. Minnesota Statutes 1980, Section 518.17, is amended to read:

518.17 [CUSTODY AND SUPPORT OF CHILDREN ON JUDGMENT.]

Subdivision 1. [THE BEST INTERESTS OF THE CHILD.] "The best interests of the child" means all relevant factors to be considered and evaluated by the court including:

(a) The wishes of the child's parent or parents as to his custody;

(b) The reasonable preference of the child, if the court deems the child to be of sufficient age to express preference;

(c) The interaction and interrelationship of the child with his parent or parents, his siblings, and any other person who may significantly affect the child's best interests;

(d) The child's adjustment to his home, school, and community;

(e) The length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity;

(f) The permanence, as a family unit, of the existing or proposed custodial home;

(g) The mental and physical health of all individuals involved;

(h) The capacity and disposition of the parties to give the child love, affection, and guidance, and to continue educating and raising the child in his culture and religion or creed, if any; and

(i) The child's cultural background.

The court shall not consider conduct of a proposed custodian that does not affect his relationship to the child.

Subd. 2. [FACTORS WHEN JOINT CUSTODY IS SOUGHT.] *In addition to the factors listed in subdivision 1, where either joint legal or joint physical*

custody is contemplated or sought, the court shall consider the following relevant factors:

(a) The ability of parents to cooperate in the rearing of their children;

(b) Methods for resolving disputes regarding any major decision concerning the life of the child, and the parents' willingness to use those methods; and

(c) Whether it would be detrimental to the child if one parent were to have sole authority over the child's upbringing.

Subd. 3. [JOINT CUSTODY AGREEMENT.] *In the event that both parties in a dissolution proceeding agree to joint legal custody or joint physical custody, it shall be presumed that the joint custody arrangements agreed to by the parties are in the best interests of the child. The court shall include the agreement in its judgment and decree unless it makes specific findings stating the reason why the joint custody agreement is not in the best interests of the child.*

Subd. 4. [CUSTODY ORDER.] Upon adjudging the nullity of a marriage, or a dissolution or separation, *or a child custody proceeding,* the court ~~may~~ *shall* make such further order as it deems just and proper concerning ~~the care, custody, and maintenance of the minor children of the parties and may determine with which of the parents they, or any of them, shall remain~~ *: (a) the legal custody of the minor children of the parties which shall be sole or joint; (b) their physical custody and residence; and (c) their support.* In determining ~~the parent with whom a child shall remain~~ *custody*, the court shall consider the best interests of the child and shall not prefer one parent over the other solely on the basis of the sex of the parent.

Subd. ~~3~~ *5.* [CHILD SUPPORT.] The court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable or necessary for his support, without regard to marital misconduct, after considering all relevant factors including:

(a) The financial resources and needs of the child;

(b) The financial resources and needs of ~~the custodial parent~~ *each party*;

(c) The standard of living the child would have enjoyed had the marriage not been dissolved; *and*

(d) The physical and emotional condition of the child, and his educational needs~~; and~~ .

~~(e) The financial resources and needs of the noncustodial parent.~~

Sec. 10. Minnesota Statutes 1980, Section 518.54, Subdivision 5, is amended to read:

Subd. 5. [MARITAL PROPERTY; EXCEPTIONS.] "Marital property" means property, real or personal, including vested pension benefits or rights, acquired by the parties, or either of them, to a dissolution, legal separation, or annulment proceeding at any time during the existence of the marriage relation between them, or at any time during which the parties were living together as husband and wife under a purported marriage relationship which is annulled in an annulment proceeding. All property acquired by either spouse subsequent to the marriage and before a decree of legal separation is presumed to be marital

property regardless of whether title is held individually or by the spouses in a form of co-ownership such as joint tenancy, tenancy in common, tenancy by the entirety, or community property. *Each spouse has a common ownership in marital property that vests not later than the time of the entry of the decree in a proceeding for dissolution or annulment. The extent of the vested interest shall be determined and made final by the court pursuant to section 518.58 and any amendments thereto.* The presumption of marital property is overcome by a showing that the property is ~~of a type listed in clauses (a) to (e)~~ *non-marital property*.

"Non-marital property" means property real or personal, acquired by either spouse before, during, or after the existence of their marriage, which

(a) is acquired as a gift, bequest, devise or inheritance made by a third party to one but not to the other spouse;

(b) is acquired before the marriage;

(c) is acquired in exchange for or is the increase in value of property which is described in clauses (a), (b), (d), and (e);

(d) is acquired by a spouse after a decree of legal separation; or

(e) is excluded by a valid antenuptial contract.

Sec. 11. Minnesota Statutes 1980, Section 518.551, is amended to read:

518.551 [MAINTENANCE AND SUPPORT PAYMENTS MADE TO WELFARE AGENCIES.]

Subdivision 1. [ORDER FOR PAYMENTS.] A court having jurisdiction over proceedings for dissolution or legal separation shall direct that all payments ordered for maintenance and support shall be made to the agency responsible for the welfare payments, when it appears that the party who is to receive the maintenance and support payments will receive public assistance. Amounts received by the agency greater than the amount granted to the party receiving public assistance shall be remitted to that party.

The petitioner shall notify the agency responsible for the welfare payments of all proceedings for dissolution, legal separation or for the custody of a child if either party is receiving aid to families of dependent children or applies for such aid subsequent to the commencement of the proceeding. After receipt of the notice, the agency shall recommend to the court the support that is proper and adequate for the care and support of the child or children before the issuance of the order for judgment and decree in the proceeding.

If the court finds in a dissolution or legal separation proceeding before issuing the order for judgment and decree that notification has not been given to the agency responsible for the welfare payments, the court shall order that notification be made and shall not issue its order for judgment and decree until the agency has made its recommendations. In those proceedings in which no notification has been made pursuant to this section and in which the agency determines that the judgment is not proper and adequate for the care and support of the child or children, it may petition the court for a redetermination of the support payments ordered.

Subd. 2. [SERVICE FEE.] *When the public agency responsible for child support enforcement provides child support collection services either to a*

public assistance recipient or to a party who does not receive public assistance, the public agency may upon written notice to the obligor charge a collection fee of $2 per month during the time it provides collection services, in addition to the amount of the child support which was ordered by the court. The fee shall be deposited in the county general fund. No fee shall be imposed on the party who requests child support collection services.

Sec. 12. Minnesota Statutes 1980, Section 518.58, is amended to read:

518.58 [DISPOSITION OF MARITAL PROPERTY.]

Upon a dissolution of a marriage, an annulment, or in a proceeding for disposition of property following a dissolution of marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of the property and which has since acquired jurisdiction, the court shall make a just and equitable disposition of the marital property of the parties without regard to marital misconduct, after making findings regarding the disposition of the property. The court shall base its findings on all relevant factors including the length of the marriage, any prior marriage of a party, the age, health, station, occupation, amount and sources of income, vocational skills, employability, estate, liabilities, needs, and opportunity for future acquisition of capital assets, the amount of support, maintenance and income of each party, whether the property award is in lieu of or in addition to maintenance or support. The court shall also consider the contribution of each in the acquisition, preservation, depreciation or appreciation in the amount or value of the marital property, as well as the contribution of a spouse as a homemaker. It shall be presumed that each spouse made a substantial contribution to the acquisition of income and property while they were living together as husband and wife. The court may also award to either spouse the household goods and furniture of the parties, whether or not acquired during the marriage.

If the court finds that either spouse's resources or property, including his portion of the marital property as defined in section 518.54, subdivision 5 are so inadequate as to work an unfair hardship, considering all relevant circumstances, the court may, in addition to the marital property, apportion up to one-half of the property otherwise excluded under section 518.54, subdivision 5, clauses (a) to (d) to prevent the unfair hardship. If the court apportions property other than marital property, it shall make findings in support of the apportionment. The findings shall be based on all relevant factors including the length of the marriage, any prior marriage of a party, the age, health, station, occupation, amount and sources of income, vocational skills, employability, estate, liabilities, needs, and opportunity for future acquisition of capital assets and income of each party.

~~Unless otherwise specifically set forth in the decree, if in a decree of dissolution one party is awarded the homestead and the other party is awarded a fixed dollar amount based on an assumed or appraised market value of the homestead and within 24 months following the decree the homestead is sold, within six months of the sale either party may petition, and the court may grant, an apportionment of the proceeds in the proportion awarded in the decree, based upon the net sale price rather than the assumed or appraised market value. This paragraph shall not apply to a decree of dissolution entered before May 30, 1979.~~

If the court finds that it is necessary to preserve the marital assets of the

parties, the court may order the sale of the homestead of the parties or the sale of other marital assets, as the individual circumstances may require, during the pendency of a proceeding for a dissolution of marriage or an annulment. If the court orders a sale, it may further provide for the disposition of the funds received from the sale during the pendency of the proceeding.

Sec. 13. Minnesota Statutes 1980, Section 518.64, Subdivision 2, is amended to read:

Subd. 2. The terms of a decree respecting maintenance or support may be modified upon a showing *either* of substantially increased or decreased earnings, *or income or financial circumstances* of a party or *of* substantially increased or decreased need of a party *or the children of the parties*, which makes the terms unreasonable and unfair. On a motion for modification of support, the court shall take into consideration the needs of the children and the financial circumstances of ~~the custodial parent's spouse, if any~~ *both parties including their spouses*. A modification which decreases support or maintenance may be made retroactive only upon a showing that any failure to pay in accord with the terms of the original order was not willful. A modification which increases support or maintenance shall not be made retroactive if the obligor has substantially complied with the previous order. Except for an award of the right of occupancy of the homestead, provided in section 518.63, all divisions of real and personal property provided by section 518.58 shall be final, and may be revoked or modified only where the court finds the existence of conditions that justify reopening a judgment under the laws of this state. The court may impose a lien or charge on the divided property at any time while the property, or subsequently acquired property, is owned by the parties or either of them, for the payment of maintenance or support money, or may sequester the property as is provided by section 518.24.

Sec. 14. [EFFECTIVE DATE.]

Sections 3, 7, 12, and 13 are effective the day following final enactment. Section 10 is effective on July 1, 1981, for child support collection cases pending or opened on or after that date.

ARTICLE II

Section 1. [518C.01] [PURPOSES.]

The purposes of sections 1 to 37 are to improve and extend by reciprocal legislation the enforcement of the duties of support.

Sec. 2. [518C.02] [DEFINITIONS.]

Subdivision 1. [TERMS.] *For the purposes of sections 1 to 37, the terms defined in this section shall have the meanings given to them.*

Subd. 2. [COURT.] *"Court" means the district or a county court of this state and, when the context requires, means the court of another state as defined in a substantially similar reciprocal law.*

Subd. 3. [DUTY OF SUPPORT.] *"Duty of support" means a duty of support, whether imposed or imposable by law or by order, decree or judgment of a court, whether interlocutory or final, or whether incidental to an action for dissolution, legal separation, separate maintenance or otherwise and includes the duty to pay arrearages of support past due and unpaid.*

Subd. 4. [GOVERNOR.] *"Governor" includes a person performing the functions of governor or the executive authority of any state covered by sections 1 to 37.*

Subd. 5. [INITIATING STATE; INITIATING COURT.] *"Initiating state" means a state in which a proceeding under this or a substantially similar reciprocal law is commenced. "Initiating court" means the court in which a proceeding is commenced.*

Subd. 6. [LAW.] *"Law" includes both common and statutory law.*

Subd. 7. [OBLIGEE.] *"Obligee" means a person, including a state or political subdivision, to whom a duty of support is owed or a person, including a state or a political subdivision, that has commenced a proceeding for enforcement of an alleged duty of support or for registration of a support order. It is immaterial if the person to whom a duty of support is owed is a recipient of public assistance.*

Subd. 8. [OBLIGOR.] *"Obligor" means a person owing a duty of support or against whom a proceeding for the enforcement of a duty of support or registration of a support order is commenced.*

Subd. 9. [PROSECUTING ATTORNEY.] *"Prosecuting attorney" means the public official in the appropriate place who has the duty to enforce criminal laws relating to the failure to provide for the support of any person.*

Subd. 10. [REGISTER.] *"Register" means to file in the office of the clerk of the court.*

Subd. 11. [REGISTERING COURT.] *"Registering court" means a court of this state in which a support order of a rendering state is registered.*

Subd. 12. [RENDERING STATE.] *"Rendering state" means a state in which a court has issued a support order for which registration is sought or granted in the court of another state.*

Subd. 13. [RESPONDING STATE; RESPONDING COURT.] *"Responding state" means a state in which any responsive proceeding under a proceeding in the initiating state is commenced. "Responding court" means the court in which a responsive proceeding is commenced.*

Subd. 14. [STATE.] *"State" includes a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico and a foreign jurisdiction in which this or a substantially similar reciprocal law is in effect.*

Subd. 15. [SUPPORT ORDER.] *"Support order" means a judgment, decree or order of support in favor of an obligee, whether temporary or final, or subject to modification, revocation, or remission, regardless of the kind of action or proceeding in which it is entered.*

Sec. 3. [518C.03] [HOW DUTIES OF SUPPORT ENFORCED.]

All duties of support, including the duty to pay arrearages, are enforceable by a proceeding under sections 1 to 37, including a proceeding for civil contempt. The defense that the parties are immune to suit because of their relationship as husband and wife, or parent and child is not available to the obligor.

Sec. 4. [518C.04] [RULES OF CIVIL PROCEDURE.]

The rules of civil procedure for the district court apply to proceedings under sections 1 to 37, except as otherwise provided therein.

Sec. 5. [518C.05] [JURISDICTION.]

Except in Hennepin and Ramsey counties, jurisdiction of a proceeding under sections 1 to 37 is vested in the county court. In Hennepin and Ramsey counties, jurisdiction of a proceeding under sections 1 to 37 is vested in the district court.

Sec. 6. [518C.06] [CONTENTS AND FILING OF PETITION FOR SUPPORT; VENUE.]

Subdivision 1. [CONTENTS.] *The petition shall be verified and shall state the name and, so far as known to the obligee, the address and circumstances of the obligor and the persons for whom support is sought, and all other pertinent information. The obligee may include in or attach to the petition any information that may help in locating, or identifying, the obligor, including a photograph of the obligor, a description of any distinguishing marks on his person, other names and aliases by which he has been or is known, the name of his employer, his fingerprints and his social security number.*

Subd. 2. [FILING.] *The petition may be filed in the appropriate court of a state in which the obligee resides. The court shall not decline or refuse to accept and forward the petition on the ground that it should have been filed with some other court of this or any other state where there is pending another action for legal separation, annulment, dissolution, habeas corpus, adoption, or custody between the same parties, or where another court has already issued a support order in some proceeding and has retained jurisdiction for its enforcement.*

Sec. 7. [518C.07] [PROSECUTING ATTORNEY TO REPRESENT OBLIGEE.]

If this state is acting as an initiating state, the prosecuting attorney shall represent the obligee in a proceeding under sections 1 to 37. If the prosecuting attorney neglects or refuses to represent the obligee, the attorney general may undertake the representation. In addition to the foregoing representation, an attorney retained by the obligee may represent the obligee in an interstate proceeding under sections 1 to 37.

Sec. 8. [518C.08] [PETITION FOR A MINOR.]

A petition on behalf of a minor obligee may be executed and filed by a person having legal custody of the minor without appointment as guardian ad litem.

Sec. 9. [518C.09] [DUTY OF INITIATING COURT.]

If the initiating court finds that the petition sets forth facts from which it may be determined that the obligor owes a duty of support, and that a court of the responding state may obtain jurisdiction of the obligor or his property, it shall so certify and cause three copies of the petition and its certificate and one copy of sections 1 to 37 to be sent to the responding court. Certification shall be in accordance with the requirements of the initiating state. If the name and address of the responding court are unknown and the responding state has an information agency comparable to that established in the initiating state, it

shall cause the copies to be sent to the state information agency or other proper official of the responding state, with a request that the agency or official forward them to the proper court and that the court of the responding state acknowledge their receipt to the initiating court.

Sec. 10. [518C.10] [COURT COSTS AND FEES.]

An initiating court shall not require payment of either a filing fee or other costs from the obligee, but may request the responding court to collect fees and costs from the obligor. A responding court shall not require payment of a filing fee or other costs from the obligee, but it may direct that all fees and costs requested by the initiating court and incurred in this state when acting as a responding state, including fees for filing of pleadings, service of process, seizure of property, stenographic or duplication service, or other service supplied to the obligor, be paid, in whole or in part, by the obligor or by the state or political subdivision thereof. These costs or fees do not have priority over amounts due to the obligee.

Sec. 11. [518C.11] [JURISDICTION BY ARREST.]

If the court of this state believes that the obligor may flee it may:

(1) As an initiating court, request in its certificate that the responding court obtain the person of the obligor by appropriate process; or

(2) As a responding court, obtain the person of the obligor by appropriate process.

Thereupon, it may release him either upon his own recognizance or upon his giving a bond in an amount set by the court to assure his appearance at the hearing.

Sec. 12. [518C.12] [STATE INFORMATION AGENCY.]

Subdivision 1. [DESIGNATION; DUTIES.] *The department of public welfare is designated as the state information agency under sections 1 to 37. It shall:*

(1) Compile a list of the courts and their addresses in this state having jurisdiction under sections 1 to 37 and transmit that information to the state information agency of every other state which has adopted the same or a substantially similar law. Upon the adjournment of each session of the legislature, the agency shall distribute copies of amendments to sections 1 to 37 and a statement of their effective date to each other state information agency;

(2) Maintain a register of lists of courts received from other states and transmit copies thereof promptly to every court in this state having jurisdiction under sections 1 to 37; and

(3) Forward to the court in the state that has jurisdiction over the obligor or his property, petitions, certificates, and copies of the substantially similar reciprocal law that it receives from courts or information agencies of other states.

Subd. 2. [FINDING OBLIGOR OR HIS PROPERTY.] *If the state information agency does not know the location of the obligor or his property in the state and no state location service is available, it shall use all means at its disposal to obtain this information, including the examination of official rec-*

ords in the state and other sources such as telephone directories, real property records, vital statistics records, police records, requests for the name and address from employers who are able or willing to cooperate, records of motor vehicle license offices, requests made to the tax offices, both state and federal, where such offices are able to cooperate, and requests made to the social security administration, as permitted by the Social Security Act as amended.

Sec. 13. [518C.13] [DUTY OF THE COURT AND THE PROSECUTING ATTORNEY OF THIS STATE AS RESPONDING STATE.]

Subdivision 1. [DOCKETING CASE.] *After the responding court receives copies of the petition, the certificate and the substantially similar reciprocal act from the initiating court, the clerk of the court shall docket the case and notify the prosecuting attorney of his action.*

Subd. 2. [PROSECUTION OF CASE.] *The prosecuting attorney shall prosecute the case diligently. He shall take all action necessary in accordance with the laws of this state to enable the court to obtain jurisdiction over the obligor or his property and shall request the court to set a time and place for a hearing and give notice thereof to the obligor in accordance with law.*

Subd. 3. [INVESTIGATION BY PROSECUTING ATTORNEY.] *The prosecuting attorney, on his own initiative, shall use all means at his disposal to locate the obligor or his property, and if, because of inaccuracies in the petition or otherwise, the court cannot obtain jurisdiction, the prosecuting attorney shall inform the court of what he has done and request the court to continue the case pending receipt of more accurate information or an amended petition from the initiating court.*

Subd. 4. [OBLIGOR LOCATED IN ANOTHER COUNTY OR STATE.] *If the obligor or his property is not found in the county, and the prosecuting attorney discovers that the obligor or his property may be found in another county of this state, or another state, he shall so inform the court. Thereupon, the clerk of the court shall forward the documents received from the court in the initiating state to a court in the other county, or to a court in the other state, or to the information agency or other proper official of the other state, with a request that the documents be forwarded to the proper court. All powers and duties provided by sections 1 to 37 apply to the recipient of the documents so forwarded. If the clerk of a court of this state forwards documents to another court, he shall forthwith notify the initiating court.*

Subd. 5. [NO INFORMATION.] *If the prosecuting attorney has no information as to the location of the obligor or his property he shall so inform the initiating court.*

Sec. 14. [518C.14] [HEARING AND CONTINUANCE.]

If the obligee is not present at the hearing and the obligor denies owing the duty of support alleged in the petition or offers evidence constituting a defense, the court, upon request of either party, shall continue the hearing to permit evidence relative to the duty to be adduced by either party by deposition or by appearing in person before the court. The court may designate the judge of the initiating court as a person before whom a deposition may be taken.

Sec. 15. [518C.15] [IMMUNITY FROM CRIMINAL PROSECUTION.]

If, at a hearing, the obligor is called for examination as an adverse party

and he declines to answer upon the ground that his testimony may tend to incriminate him, the court may require him to answer, in which event he is immune from criminal prosecution with respect to matters revealed by his testimony, except for perjury committed in his testimony.

Sec. 16. [518C.16] [EVIDENCE OF HUSBAND AND WIFE.]

Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable to proceedings under sections 1 to 37. Husband and wife are competent witnesses and may be compelled to testify to a relevant matter, including marriage and parentage.

Sec. 17. [518C.17] [RULES OF EVIDENCE.]

In any hearing for the civil enforcement of sections 1 to 37, the court is governed by the Minnesota rules of evidence. If the action is based on a support order issued by another court, a certified copy of the order shall be received as evidence of the duty of support, subject only to defenses available to an obligor with respect to paternity under section 19 or to a defendant in an action or a proceeding to enforce a foreign money judgment. The determination or enforcement of a duty of support owed to one obligee is unaffected by interference by another obligee with rights of custody or visitation granted by a court.

Sec. 18. [518C.18] [ORDER OF SUPPORT.]

Subdivision 1. [ISSUANCE OF ORDER.] *If the responding court finds a duty of support, it may order the obligor to furnish support or reimbursement therefor and subject the property of the obligor to the order. Support orders made under sections 1 to 37 shall require that payments be made as the responding court directs. The court and the prosecuting attorney of a county in which the obligor is present or has property have the same powers and duties to enforce the order as have those of the county in which it was first issued. If enforcement is impossible, or cannot be completed in the county in which the order was issued, the prosecuting attorney shall send a certified copy of the order to the prosecuting attorney of a county in which it appears that the proceedings to enforce the order would be effective. The prosecuting attorney to whom the certified copy of the order is forwarded shall proceed with enforcement and report the results of the proceedings to the court first issuing the order.*

Subd. 2. [COPY TO INITIATING COURT.] *The responding court shall cause a copy of each support order to be sent to the initiating court.*

Subd. 3. [ADDITIONAL POWERS OF RESPONDING COURT.] *In addition to the foregoing powers, a responding court may subject the obligor to the terms and conditions proper to assure compliance with orders and in particular to:*

(1) Require the obligor to furnish a cash deposit or bond of a character and amount to assure payment of the amount due;

(2) Require the obligor to report personally and to make payments at specified intervals in the manner that the court directs; and

(3) Punish the obligor who violates an order of the court under the court's contempt power.

Sec. 19. [518C.19] [PATERNITY.]

If an obligor asserts as a defense that he is not the father of the child for whom support is sought and it appears to the court that the defense is not frivolous, and if both the parties are present at the hearing or the proof required in the case indicates that the presence of either or both of the parties is not necessary, the court may adjudicate the paternity issue. Otherwise the court may adjourn the hearing until the paternity issue has been adjudicated.

Sec. 20. [518C.20] [PROCEEDINGS NOT TO BE STAYED.]

A responding court shall not stay the proceeding or refuse a hearing under sections 1 to 37 because of a pending or prior action or proceeding for legal separation, annulment, dissolution, habeas corpus, adoption, or custody in this or another state. The court shall hold a hearing and may issue a support order pendente lite. In aid thereof, it may require the obligor to give a bond for the prompt prosecution of the pending proceeding. If the other action or proceeding is concluded before the hearing in the instant proceeding, and the judgment therein provides for the support demanded in the petition being heard, the court must conform its support order to the amount allowed in the action or proceeding. Thereafter, the court shall not stay enforcement of its support order because of the retention of jurisdiction for enforcement purposes by the court in the other action or proceeding.

Sec. 21. [518C.21] [MULTIPLE SUPPORT ORDERS.]

A support order made by a court of this state under sections 1 to 37 does not nullify and is not nullified by a support order made by a court of this state under another law or a support order made by a court of another state under a substantially similar act or another law, regardless of priority of issuance, unless specifically provided by the court. Amounts paid for a particular period under a support order made by the court of another state shall be credited against amounts accruing or accrued for the same period under a support order made by the court of this state.

Sec. 22. [518C.22] [EFFECT OF PARTICIPATION IN PROCEEDING.]

Participation in a proceeding under sections 1 to 37 does not confer jurisdiction upon a court over the parties thereto in another proceeding.

Sec. 23. [518C.23] [REGISTRATION.]

If the duty of support is based on a foreign support order, the obligee may register the foreign support order in a court of this state in the manner, with the effect, and for the purposes herein provided.

Sec. 24. [518C.24] [PROSECUTING ATTORNEY TO REPRESENT OBLIGEE.]

If this state is acting either as a rendering or a registering state, the prosecuting attorney shall represent the obligee in proceedings under sections 23 to 26. If the prosecuting attorney neglects or refuses to represent the obligee, the attorney general may undertake the representation. In addition to the preceding representation, an attorney retained by the obligee may represent him in interstate proceedings under sections 23 to 26.

Sec. 25. [518C.25] [REGISTRATION PROCEDURE; NOTICE.]

Subdivision 1. [PROCEDURE.] *An obligee seeking to register a foreign support order in a court of this state shall transmit to the clerk of the court: (1)*

three certified copies of the order with all modifications thereof; (2) a copy of the reciprocal enforcement of support act of the state in which the order was made; and (3) a statement verified and signed by the obligee, showing the post office address of the obligee, the last known place of residence and post office address of the obligor, the amount of support remaining unpaid, a description and the location of property of the obligor available upon execution, and a list of the states in which the order is registered. Upon receipt of these documents, the clerk of the court, without payment of a filing fee or other costs to the obligee, shall file them. The filing constitutes registration under sections 1 to 37.

Subd. 2. [DUTIES AFTER REGISTRATION.] *Promptly upon registration, the clerk of the court shall send, by certified or registered mail, a notice of the registration with a copy of the registered support order and the post office address of the obligee to the obligor at the address given. He shall also docket the case and notify the prosecuting attorney of his action. The prosecuting attorney shall proceed diligently to enforce the order.*

Sec. 26. [518C.26] [EFFECT OF REGISTRATION; ENFORCEMENT PROCEDURE.]

Subdivision 1. [EFFECT OF REGISTERED FOREIGN SUPPORT ORDER.] *Upon registration, the registered foreign support order shall be treated in the same manner as a support order issued by a court of this state. It has the same effect and is subject to the same procedures, defenses, and proceedings for reopening, vacating, or staying as a support order of this state and may be enforced and satisfied in like manner.*

Subd. 2. [TIME TO PETITION COURT TO VACATE ORDER.] *The obligor has 20 days after the mailing of notice of the registration in which to petition the court to vacate the registration or for other relief. If he does not so petition, the registered support order is confirmed.*

Subd. 3. [HEARING; STAY OF ORDER.] *At the hearing to enforce the registered support order, the obligor may present only matters that would be available to him as defenses in an action to enforce a foreign money judgment. If he shows to the court that an appeal from the order is pending or will be taken, or that a stay of execution has been granted, the court shall stay enforcement of the order until the appeal is concluded, the time for appeal has expired, or the order is vacated, upon satisfactory proof that the obligor has furnished security for payment of the support order, as required by the rendering state. If he shows to the court any ground upon which enforcement of a support order of this state may be stayed, the court shall stay enforcement of the order for an appropriate period if the obligor furnishes the same security for payment of the support order that is required for a support order of this state.*

Sec. 27. [518C.27] [REMEDIES OF STATE OR POLITICAL SUBDIVISION FURNISHING SUPPORT.]

If a state or political subdivision furnishes support to an individual obligee, it has the same right as the individual obligee to initiate a proceeding under sections 1 to 37 to secure reimbursement for the support furnished and to obtain continuing support.

Sec. 28. [518C.28] [PAYMENTS.]

Subdivision 1. [DUTIES OF RESPONDING COURT.] *A responding court*

has the following duties that shall be carried out through the public authority responsible for support enforcement:

(1) To transmit to the initiating court a payment made by the obligor pursuant to an order of the court or otherwise; and

(2) To furnish to the initiating court, upon request, a certified statement of each payment made by the obligor.

Subd. 2. [DUTIES OF INITIATING COURT.] *An initiating court shall receive and disburse promptly each payment made by the obligor or sent by the responding court. This duty shall be carried out through the public authority responsible for support enforcement.*

Sec. 29. [518C.29] [CHOICE OF LAW.]

Duties of support applicable under sections 1 to 37 are those imposed under the laws of the state where the obligor was present for the period during which support is sought. The obligor is presumed to have been present in the responding state during the period for which support is sought until otherwise shown.

Sec. 30. [518C.30] [EXTENT OF DUTIES OF SUPPORT.]

Duties of support arising under the law of this state, when applicable under section 29, bind the obligor present in this state, regardless of the presence or residence of the obligee.

Sec. 31. [518C.31] [REMEDIES ADDITIONAL TO THOSE NOW EXISTING.]

The remedies herein provided are in addition to, and not in substitution for, other remedies.

Sec. 32. [518C.32] [INTERSTATE RENDITION.]

The governor of this state may:

(1) Demand of the governor of another state the surrender of a person found in that state who is charged criminally in this state with failing to provide for the support of a person; or

(2) On demand by the governor of another state, surrender a person found in this state who is charged criminally in that state with failing to provide for the support of a person. Provisions for extradition of criminals, not inconsistent with sections 1 to 37, apply to the demand even if the person whose surrender is demanded was not in the demanding state at the time of the commission of the crime and has not fled therefrom. The demand, the oath, and proceedings for extradition under this section need not state or show that the person whose surrender is demanded has fled from justice or at the time of the commission of the crime was in the demanding state.

Sec. 33. [518C.33] [CONDITIONS OF INTERSTATE RENDITION.]

Subdivision 1. [DEMAND OF OTHER STATE.] *Before making the demand upon the governor of another state for the surrender of a person charged criminally in this state with failing to provide for the support of a person, the governor of this state may require a prosecuting attorney of this state to satisfy him that the obligee initiated proceedings for support under sections 1 to 37 at*

least 60 days earlier or that such proceedings would be of no avail.

Subd. 2. [DEMAND BY OTHER STATE.] *If, under a substantially similar reciprocal law, the governor of another state makes a demand upon the governor of this state for the surrender of a person charged criminally in that state with failure to provide for the support of a person, the governor may require a prosecuting attorney to investigate the demand and to report to him whether proceedings for support have been initiated or would be effective. If it appears to the governor that a proceeding would be effective but has not been initiated, he may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.*

Subd. 3. [REFUSAL OF DEMAND.] *If proceedings have been initiated and the person demanded has prevailed therein, the governor may decline to honor the demand. If the obligee prevailed and the person demanded is subject to a support order, the governor may decline to honor the demand if the person demanded is complying with the support order.*

Sec. 34. [518C.34] [INTRASTATE APPLICATION.]

Subdivision 1. [OBLIGEE AND OBLIGOR IN DIFFERENT COUNTIES.] *Sections 1 to 37 apply if both the obligee and the obligor are in this state but in different counties.*

Subd. 2. [PROCEDURE; DUTIES.] *If the court of the county in which the petition is filed finds that the petition sets forth facts from which it may be determined that the obligor owes a duty of support and finds that a court of another county in this state may obtain jurisdiction over the obligor or his property, the clerk of the court shall send the petition and a certification of the findings to the court of the county in which the obligor or his property is found. The clerk of the court of the county receiving these documents shall notify the prosecuting attorney of their receipt. The prosecuting attorney and the court in the county to which the copies are forwarded shall then have duties corresponding to those imposed upon them when acting for this state as a responding state.*

Subd. 3. [REGISTRATION BY OBLIGEE.] *An obligee seeking to register a support order of the district court or of a county court of this state in a court of another county of this state shall transmit to the clerk of the court of the other county a certified copy of the order with all modifications thereof and a statement, signed and verified by the obligee, showing the post office address of the obligor, the amount of support remaining unpaid and a description and the location of any property of the obligor available upon execution. On receipt of these documents, the clerk of court shall file them, without requiring payment of a filing fee or other costs by the obligee. The filing constitutes registration under sections 1 to 37. Promptly on registration, the clerk of court shall proceed pursuant to section 25, subdivision 2. The prosecuting attorney and the court in the county to which the documents are forwarded then shall have duties corresponding to those imposed upon them when acting for this state as a registering state.*

Sec. 35. [518C.35] [APPEALS.]

If the commissioner of public welfare is of the opinion that a support order is erroneous and presents a question of law warranting an appeal in the public interest, he may:

(a) Perfect an appeal to the proper appellate court, if the support order was issued by a court of this state; or

(b) If the support order was issued in another state cause the appeal to be taken in the other state. In either case expenses of the appeal may be paid on his order from funds appropriated for his office.

Sec. 36. [518C.36] [UNIFORMITY OF INTERPRETATION.]

Sections 1 to 37 are to be so construed as to effectuate their general purpose to make uniform the law of those states that enact it.

Sec. 37. [518C.37] [SHORT TITLE.]

Sections 1 to 37 may be cited as the revised uniform reciprocal enforcement of support act.

Sec. 38. [REPEALER.]

Minnesota Statutes 1980, Sections 518.41; 518.42; 518.43; 518.44; 518.45; 518.46; 518.47; 518.48; 518.49; 518.491; 518.50; 518.51; 518.52; and 518.53 are repealed.

Sec. 39. [EFFECTIVE DATE.]

This article is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to family law; allowing joint custody of minor children; providing for acknowledgements of paternity; changing provisions related to venue; providing expedited hearings; changing determination of maintenance and support orders; changing the division of marital property; providing for enforcement of maintenance and support orders; changing requirements for evidence, orders, and decrees; adopting the revised uniform reciprocal enforcement of support act; amending Minnesota Statutes 1980, Sections 257.34, Subdivision 1; 518.003, by adding a subdivision; 518.09; 518.131, Subdivisions 3 and 4, and by adding subdivisions; 518.145; 518.17; 518.54, Subdivision 5; 518.551; 518.58; and 518.64, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 518C; repealing Minnesota Statutes 1980, Sections 518.41; 518.42; 518.43; 518.44; 518.45; 518.46; 518.47; 518.48; 518.49; 518.491; 518.50; 518.51; 518.52 and 518.53."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

H. F. No. 79: A bill for an act relating to commerce; providing for the regulation and licensing of precious metal dealers; establishing identification procedures and recording requirements; prohibiting certain transactions; providing for criminal and civil penalties; providing remedies; amending Minnesota Statutes 1980, Section 609.53, Subdivision 4, and by adding subdivisions; proposing new law coded in Minnesota Statutes, Chapter 325F.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [325F.5201] [DEFINITIONS.]

Subdivision 1. [TERMS.] *For the purposes of sections 1 to 15, the following terms have the meanings given them.*

Subd. 2. [PRECIOUS METAL DEALER.] *"Precious metal dealer" includes any natural person, partnership, or corporation, either as principal or agent, engaging in the business of buying secondhand items containing precious metal which are normally used primarily for personal, family or household purposes, including, but not limited to, jewelry, watches, eating utensils, candlesticks, religious and decorative objects, but excluding coins, bullion and ingots.*

Subd. 3. [PRECIOUS METALS.] *"Precious metals" includes silver, gold, and platinum.*

Subd. 4. [ITEMS CONTAINING PRECIOUS METAL.] *"Items containing precious metal" means items made in whole or in part of metal, which metal contains more than one percent by weight of silver, gold or platinum.*

Sec. 2. [325F.5202] [LICENSE.]

Subdivision 1. [REQUIREMENT.] *Except as provided for in subdivision 2, it is unlawful for a precious metal dealer to engage in or transact any business as such without having a valid license as provided in section 3.*

Subd. 2. [SCOPE.] *The requirements of sections 1 to 15 do not apply to the following:*

(1) Transactions at occasional "garage", "yard", or "estate" sales, or "antique shows", except that precious metal dealers must comply with the requirements of sections 4 to 9 for these transactions.

(2) Transactions regulated by Minnesota Statutes, Chapter 80A.

(3) Transactions regulated by the Federal Commodity Futures Commission Act.

(4) Transactions in which the secondhand item containing precious metal is exchanged for a new item containing precious metal and the value of the new item exceeds the value of the secondhand item, except that a natural person, partnership or corporation who is a precious metal dealer by engaging in a transaction which is not exempted by this section must comply with the requirements of sections 4 to 9 for these transactions.

(5) Transactions between precious metal dealers if both dealers are licensed under section 3 or if the seller's business is located outside of the state and the item is shipped from outside the state to a dealer licensed under section 3.

Sec. 3. [325F.5203] [LICENSE; APPLICATION; TERMS AND CONDITIONS.]

Subdivision 1. [APPLICATION.] *Any precious metal dealer desiring to engage in or transact business as such in any county of this state shall file an application for a license for that purpose with the auditor of the county in which he desires to do business. The applicant shall state his name, date of birth, address, and locations of the proposed principal place of business and branch offices within the county and other locations within the county where the applicant intends to hold secondhand precious metals. If the person in charge of the business or a branch office is someone other than the applicant,*

his name, date of birth, and address shall be stated with the location or branches indicated. If the applicant is a corporation or partnership, the name, date of birth and resident address of each officer and general partner shall be stated. Each application shall be kept by the auditor for a period of no less than three years and shall be available for inspection only by employees of the county auditor, the county attorney, the attorney general, or by a peace officer.

Subd. 2. [FEE.] *Each applicant shall pay to the treasurer of the county a license fee in an amount determined by the board of county commissioners of the county to be necessary to cover the expenses of administering this licensing function.*

Subd. 3. [INVESTIGATION.] *The county sheriff shall investigate into the truthfulness of the statements made in the application and shall endorse his findings thereon. The applicant shall furnish to the sheriff such evidence as he may reasonably require in support of the statements made in the application.*

Subd. 4. [BUSINESS LOCATIONS.] *A precious metal dealer license shall authorize the precious metal dealer to transact business only at the location or locations designated in the license, except that a precious metal dealer licensed under this section may transact business at locations other than those designated in the license, within or outside of the licensing county, for a temporary period not to exceed four days.*

Subd. 5. [TERM.] *A precious metal dealer license shall be valid for a period of one year from the date of its issuance.*

Subd. 6. [BRANCH OFFICES.] *Each branch office shall be operated under the same name as the principal office.*

Subd. 7. [POSTING OF LICENSE.] *Every precious metal dealer shall prominently post his license in a conspicuous location at his principal place of business and a copy of his license in a conspicuous location at each branch office and temporary business location.*

Subd. 8. [POSTING OF PRICES; WEIGHING.] *Every precious metal dealer shall prominently post in a conspicuous place and in letters exceeding one inch in height the minimum prices per ounce or pennyweight that are currently being paid by the dealer for precious metals and a warning notice that, unless otherwise informed, the prices offered are based on the melt down value of the precious metal, rather than the value of the item in its existing form. Precious metal items shall be weighed in plain sight of the prospective seller on scales approved by the division of weights and measures of the department of public service in accordance with Minnesota Statutes, Section 239.08.*

Subd. 9. [PUBLIC RECORD OF LICENSES.] *The county auditor shall keep a record of the licenses in a book provided for that purpose. The book shall contain the same information as required on the application for the license, provided that the applicant's address and date of birth shall not be recorded. The book shall be open for public inspection.*

Sec. 4. [325F.5204] [IDENTIFICATION OF BUYERS AND SELLERS.]

Every precious metal dealer shall require a seller of secondhand items containing precious metals to present to him at the time of the transaction an

identification card of the seller containing a picture of the seller and his address.

Sec. 5. [325F.5205] [RECORDS REQUIRED.]

Every precious metal dealer shall keep a book at his business location in which shall be clearly written in ink, in the English language, at the time of each transaction, or as close thereto as possible, the following information:

(1) An accurate description of every secondhand item containing precious metals bought, including the type of item, number of items, brand name of item, if any, engraving or other identifying features of the item, if any, and a description of any gems attached;

(2) The amount of money paid or received;

(3) The date of the transaction; and

(4) From the identification card containing a picture of the seller, the type of card presented and the serial number of the card, if any, and the name and address of the person selling the item. The book, as well as the item in the possession of the dealer, shall at all reasonable times be open to inspection by any police officer of the city wherein the business is located or the sheriff or any deputy sheriff of the county wherein the business is located.

Sec. 6. [325F.5206] [REQUIRED HOLDING PERIOD.]

Every precious metal dealer shall keep in his possession at his business location or other location within the licensing county from the time of the transaction or as close thereto as possible, for a period prescribed by the board of county commissioners of the licensing county, every secondhand item containing precious metal purchased by the dealer. The prescribed holding period shall be no less than 14 days and no greater than 30 days. The item shall not be altered at the time of sale and shall remain unaltered during the required holding period.

Sec. 7. [325F.5207] [CERTAIN PURCHASES PROHIBITED.]

It is unlawful for a precious metal dealer to purchase a secondhand item containing precious metals from a person under 18 years of age unless the person is accompanied by his parent or guardian who is identified and whose identity is recorded in accordance with sections 4 and 5.

Sec. 8. [325F.5208] [PAYMENT BY CHECK.]

Payment by a precious metal dealer for the purchase of a secondhand item containing precious metal shall be made only by check, draft, or other negotiable or non-negotiable instrument or order of withdrawal which is drawn against funds held by a financial institution.

Sec. 9. [325F.5209] [GOVERNMENTAL SUBDIVISIONS MAY REGULATE.]

The provisions of sections 1 to 15 shall not be construed as prohibiting, or in any way limiting, or interfering with the right of any county, municipal corporation or other governmental subdivision of the state to regulate or license precious metal dealers within its jurisdiction in a manner more restrictive than sections 1 to 15.

Sec. 10. [325F.521] [CRIMINAL PENALTY.]

Any person who violates any provision of sections 1 to 15 is guilty of a felony and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than $25,000, or both. A violation of the holding period prescribed pursuant to section 6 is subject to this section, notwithstanding the provisions of section 375.53 or any other law to the contrary.

Sec. 11. [325F.5211] [CIVIL PENALTY.]

The attorney general or any county attorney may institute a civil action in the name of the state in the district court to revoke, deny or suspend for a period of time the license on the ground that the licensee has violated a provision of sections 1 to 15. For this purpose, the attorney general or county attorney shall be invested with the additional powers contained in Minnesota Statutes, Section 8.31. It is no defense to the action that the state has adequate remedies at law.

Sec. 12. Minnesota Statutes 1980, Section 609.53, is amended by adding a subdivision to read:

Subd. 1a. Any precious metal dealer as defined in section 1, subdivision 2, or any person employed by a precious metal dealer as defined in section 1, subdivision 2, who receives, possesses, transfers, buys or conceals any stolen property or property obtained by robbery, knowing the same to be stolen or obtained by robbery, may be sentenced as follows:

(1) If the value of the property received, bought or concealed is $150 or more, to imprisonment for not more than ten years or to payment of a fine of not more than $50,000, or both;

(2) If the value of the property received, bought or concealed is less than $150, to imprisonment for not more than three years or to payment of a fine of not more than $25,000, or both.

Sec. 13. Minnesota Statutes 1980, Section 609.53, is amended by adding a subdivision to read:

Subd. 2a. Any precious metal dealer as defined in section 1, subdivision 2, or any person employed by a precious metal dealer as defined in section 1, subdivision 2, who receives, possesses, transfers, buys or conceals any stolen property or property obtained by robbery, having reason to believe the same to be stolen or obtained by robbery, may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than $25,000, or both.

Sec. 14. Minnesota Statutes 1980, Section 609.53, is amended by adding a subdivision to read:

Subd. 3a. Any precious metal dealer as defined in section 1, subdivision 2, or any person employed by a precious metal dealer as defined in section 1, subdivision 2, convicted of a second or subsequent violation under section 13 within a period of one year may be sentenced as provided in section 12, clause (1).

Sec. 15. Minnesota Statutes 1980, Section 609.53, Subdivision 4, is amended to read:

Subd. 4. Any person who has been injured by a violation of subdivision 1 *or sections 12 to 14* may bring an action for three times the amount of actual

damages~~, if any,~~ sustained by the plaintiff *or $1,500, whichever is greater, the* costs of suit , and reasonable attorney's fees.

Sec. 16. [EFFECTIVE DATE.]

Sections 1 to 15 are effective 60 days after final enactment."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Public Employees and Pensions, to which was referred

S. F. No. 305: A bill for an act relating to retirement; Minneapolis municipal employees retirement fund; authorizing the repayment of a refund by certain individuals.

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 1980, Section 43.60, Subdivision 3, is amended to read:

Subd. 3. Employees in shared positions shall be eligible for the following benefits and subject to the following obligations:

(1) Membership in the Minnesota state retirement system, the teachers retirement association, or the highway patrol retirement fund, whichever is appropriate, except that, *notwithstanding any provision of sections 352.01, subdivisions 11 and 16, 352B.01, subdivision 3, 354.05, subdivisions 13 and 25, or 354.091,* employees ~~who are members of the Minnesota state retirement system or the highway patrol retirement fund~~ shall have allowable service for ~~purposes of section 352.01, subdivisions 11 and 16,~~ *the purpose of meeting the minimum service requirements for eligibility to a retirement annuity or other retirement benefit credited in full, but shall have benefit accrual service for the purpose of computing a retirement annuity or other retirement benefit* credited on a fractional basis either weekly or annually based upon the relationship that the number of hours of service bears to either 40 hours per week or 2,080 hours per year, with any salary paid for the fractional service credited on the basis of the rate of salary applicable for a full-time week or a full-time year;

(2) Vacation and sick leave accrual at the rate of the appropriate shared-time percent of the entitlement of comparable full-time employees;

(3) Employee dental, medical and hospital benefits coverage shall be available of the same type and coverage afforded to comparable full-time employees. Employees in shared positions who elect such coverage shall pay, by payroll deduction, the difference between the actual cost to the employer and the appropriate shared-time percent of the actual cost. The remaining percent shall be paid by the employer. Employee life insurance coverage shall be available to employees in shared positions on the same terms as for comparable full-time employees;

(4) Dependent life insurance coverage shall be available to employees in shared positions on the same terms as for comparable full-time employees. Dependent medical, hospital and dental benefits coverage shall be available to

employees in shared positions of the same type and coverage afforded to comparable full-time employees, except that the employer shall contribute the appropriate shared-time percent of the dollar amount contributed for comparable full-time employees electing the same program, the remainder to be paid by payroll deduction by the employee electing such coverage;

(5) Employees in shared positions shall be entitled to the appropriate shared-time percent of the holiday pay to which comparable full-time employees are entitled for holidays observed by the full-time employees whenever the employee in a shared position would otherwise be scheduled to work on that day. The employee may be allowed to reschedule working hours to avoid any loss in pay due to the prorating of holiday pay. When an employee in a shared position is not scheduled to work on an observed holiday the next scheduled working day shall be treated as the holiday;

(6) Employees in shared positions shall accrue seniority time in every relevant category at the same rate accorded to comparable full-time employees. No full-time employee accepting a shared position shall suffer any loss of or gap in seniority time in the relevant categories applicable to the full-time employment; and

(7) Any other benefits of employment for employees in shared positions shall be prorated at a rate of the appropriate shared-time percent of those available to comparable full-time employees, whenever the benefits are divisible. Contributions by the employer toward the benefits, if any, shall be equal to the appropriate share time percent of the full-time benefits. When not divisible, the cost of the full-time benefits normally allocable to the employer shall be allocated, the appropriate shared-time percent to the employee in a shared position, by payroll deduction, and the remaining percent to the employer.

Sec. 2. [43.621] [CREDIT FOR PRIOR PART-TIME SERVICE.]

Any person who was employed in a shared position in the Minnesota demonstration job-sharing program pursuant to Laws 1980, Chapter 572, prior to the effective date of this act shall have service credit for that service in the applicable retirement fund recalculated in accordance with the provisions of section 1.

Sec. 3. Minnesota Statutes 1980, Section 69.011, Subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] Unless the language or context clearly indicates that a different meaning is intended, the following words and terms shall for the purposes of this chapter and chapter 424 have the meanings ascribed to them:

(a) "Commissioner" means the commissioner or director of insurance.

(b) "Municipality" means any city of any class, and organized town.

(c) "Minnesota Firetown Premium Report" means a blank form containing space for reporting by insurers of fire, lightning, sprinkler leakage and extended coverage premiums less return premiums and dividends received upon risks located or to be performed in this state.

(d) "Firetown" means any municipality having a qualified fire department

or a qualified incorporated fire department having a retirement plan.

~~(e) "Average State Aid" means the sum of the amount of aid apportioned for firefighter's pensions or services the previous two years plus the amount of aid computed for apportionment by the assessed property valuation and population basis for the current year divided by three.~~

~~(f)~~ *(e)* "Assessed Property Valuation" means latest available assessed value of all property in a taxing jurisdiction, whether such property is subject to taxation, or exempt from ad valorem taxation for any reason, appearing on abstracts filed with the commissioner of revenue or equalized by the state board of equalization.

~~(g)~~ *(f)* "Minnesota Aid to Police Premium Report" means a blank form containing space for reporting by each fire and casualty insurer of all premiums less return premiums and dividends received upon direct business received by it in this state, or by its agents for it, in cash or otherwise, during the preceding calendar year, with reference to insurance written for insuring against the perils contained in auto liability-bodily injury, auto liability-property damage, and auto physical damage as reported on lines 19, 20, and 21 of page 14 of the fire and casualty insurance companies annual financial statement which each insurer is required to file with the commissioner in accordance with the governing laws or regulations.

~~(h)~~ *(g)* "Police officer" means any person:

(1) Whose primary source of income derived from wages is from direct employment by a municipality or county as a law enforcement officer on a full time basis of not less than 30 hours per week;

(2) Who has been employed for a minimum of six ~~consecutive~~ months prior to December 31 preceding the date of the current year's certification pursuant to subdivision 2, clause (b);

(3) Who is sworn to enforce the general criminal laws of the state and local ordinances;

(4) Who is authorized to arrest with a warrant;

(5) Who is a member of a local police relief association or the public employees police and fire fund;

(6) Who, if employed in a municipality with a population of more than 1,000 inhabitants according to the most recent federal census, is certified or meets the requirements for certification by the Minnesota police officers training board; and

(7) Who meets the selection standards of the Minnesota police officers training board.

~~(i)~~ *(h)* "Full time equivalent number of police officers providing contract service" means the integral or fractional number of police officers which would be necessary to provide the contract service if all were employed on a full time basis as defined by the employing unit in the municipality receiving the contract service.

Sec. 4. Minnesota Statutes 1980, Section 69.011, Subdivision 2, is amended to read:

Subd. 2. [CLERK TO FILE CERTIFICATE.] (a) On or before March 1 annually the clerk of each municipality having a duly organized fire department as provided in subdivision 4, clause (1) or the secretary of nonprofit fire fighting corporations having a relief and retirement plan or incorporated firefighter's relief association shall certify that fact and the fire personnel and equipment of the fire department as of the preceding December 31 to the commissioner on a form prescribed by him together with the other facts the commissioner may require. The certification shall be made to the commissioner in duplicate. Each copy of the certificate shall be duly executed and deemed an original. The commissioner shall forward one copy to the auditor of the county wherein the fire department is located and retain one copy.

(b) On or before March 1 annually the clerk of each municipality having a duly organized police department and having a duly incorporated relief association shall certify that fact to the county auditor of the county where the police department is located and to the commissioner on a form prescribed by him together with the other facts the commissioner or auditor may require.

On or before March 1 annually, the clerk of each municipality and the auditor of each county employing one or more police officers as defined in subdivision 1, clause (h), shall certify the number of such police officers to the commissioner on forms prescribed by him. *Credit for officers employed less than a full year shall be apportioned. Each full month of employment of a qualifying officer during the calendar year shall entitle the employing municipality or county to credit for one-twelfth of the payment for employment of a police officer for the entire year.* For purposes of sections 69.011 to 69.051, employment of a police officer shall commence when the police officer is entered on the payroll of the respective municipal police department or county sheriff's department. No police officer shall be included in the certification of the number of police officers by more than one municipality or county *for the same month.*

Sec. 5. Minnesota Statutes 1980, Section 69.021, Subdivision 1, is amended to read:

Subdivision 1. [MINNESOTA FIRETOWN PREMIUM REPORT AND MINNESOTA AID TO POLICE PREMIUM REPORT.] The commissioner of insurance shall, at the time he mails annual statement and tax forms, send blank copies of the Minnesota Firetown Premium Report and when applicable the Minnesota Aid to Police Premium Report to each insurer, including township and farmers mutual insurance companies licensed to write insurance as described in section 69.011, subdivision 1, ~~clause~~ *clauses* (c) and ~~clause (g)~~ *(f)* in this state. These reports shall contain space for the insurers name, address, gross premiums less return premiums, dividends, net premiums, certification and other facts the commissioner may require.

Sec. 6. Minnesota Statutes 1980, Section 69.021, Subdivision 2, is amended to read:

Subd. 2. [REPORT OF PREMIUMS.] Each insurer, including township and farmers mutual insurers where applicable, shall return to the commissioner with its annual financial statement the reports described in subdivision 1 certified by its secretary and president or chief financial officer. The Minnesota Firetown Premium Report shall contain a true and accurate statement of the total premium for all gross direct fire, lightning, and sprinkler leakage in-

surance of all domestic mutual insurers and the total premiums for all gross direct fire, lightning, sprinkler leakage and extended coverage insurance of all other insurers, less return premiums and dividends received by them on that business written or done during the preceding calendar year upon property located within the state or brought into the state for temporary use. The fire and extended coverage portion of multi-peril and multiple peril package premiums and all other combination premiums shall be determined by applying percentages determined by the commissioner or by rating bureaus recognized by the commissioner. The Minnesota Aid to Police Premium Report shall contain a true and accurate statement of the total premiums, less return premiums and dividends received, on all direct business received by such insurer in this state, or by its agents for it, in cash or otherwise, during the preceding calendar year, with reference to insurance written for perils described in section 69.011, subdivision 1, clause ~~(g)~~ *(f)*.

Sec. 7. Minnesota Statutes 1980, Section 69.021, Subdivision 6, is amended to read:

Subd. 6. [CALCULATION OF APPORTIONMENT OF AID TO COUNTIES.] With respect to firefighters, one-half of the state aid available shall be distributed to the counties in proportion to their population as shown by the last official statewide federal census. The remaining one-half of the state aid available shall be distributed to the counties in proportion to their assessed property valuation, excluding mineral values.

In the case of incorporated or municipal fire departments furnishing fire protection to cities, towns or townships in other counties as evidenced by valid fire service contracts filed with the commissioner of insurance and county auditor the distribution to the respective counties shall be adjusted proportionately to take into consideration the crossover fire protection service. ~~The amount of firefighter's state aid apportioned to each county shall not be less than 100 percent nor more than 150 percent of the average state aid calculated for apportionment to the county. Provided that if the amount of aid so calculated is either greater or less than the amount of aid available as calculated in subdivision 5 each county's proportionate share of the state aid shall be reduced or increased on a percentage basis so that the amount of aid apportioned shall not exceed the amount of tax collected. Other~~ Necessary adjustments shall be made to subsequent apportionments. ~~No county shall receive less than provided for under this subdivision.~~

The state aid available in respect to police officers shall not exceed the amount of tax collected and shall be distributed to the counties in proportion to the total number of active police officers, as defined in section 69.011, subdivision 1, clause ~~(h)~~ *(g)*, in each county who are employed either by municipalities maintaining police departments or by the county. Any necessary adjustments shall be made to subsequent apportionments.

Sec. 8. Minnesota Statutes 1980, Section 69.021, Subdivision 7, is amended to read:

Subd. 7. [APPORTIONMENT OF AID TO MUNICIPALITIES AND FIREFIGHTER'S RELIEF ASSOCIATIONS BY COUNTY AUDITOR.] (1) The county auditor shall apportion the state aid received by him relative to the premiums reported on the Minnesota Firetown Premium Reports filed pursuant to this chapter to each municipality and/or firefighter's relief association cer-

tified to him by the commissioner in the same manner that state aid is apportioned to the counties, one-half in proportion to the population and one-half in proportion to the assessed property valuation of the fire towns in the county for which aid is proportioned. ~~The county auditor shall apportion the amount of aid to each municipality and/or firefighter's relief association in an amount not less than 100 percent nor more than 150 percent of the average state aid calculated for apportionment to the municipality and/or firefighter's relief association. Provided that if the amount of aid so calculated is either greater or less than the amount of aid available as calculated in subdivision 5 each municipality's and/or firefighter's relief association's proportionate share of the state aid shall be reduced or increased on a percentage basis so that the amount of aid apportioned shall not exceed the amount of tax collected. No municipality or firefighter's relief association shall receive less than provided for under this subdivision.~~ *Necessary adjustments shall be made to subsequent apportionments.*

In the case of municipalities or independent fire departments qualifying for the aid the county auditor shall calculate the state aid for the municipality or relief association on the basis of the population and the property valuation of the area furnished fire protection service by the fire department as evidenced by duly executed and valid fire service agreements filed with him. If one or more fire departments are furnishing contracted fire service to a city, town or township only the population and valuation of the area served by each fire department shall be considered in calculating the state aid and the fire departments furnishing service shall enter into an agreement apportioning among themselves the percent of the population and the assessed property valuation of each service area. Agreement shall be in writing and filed with the commissioner in duplicate. The commissioner shall forward one copy of the agreement to the county auditor of the county wherein the fire department is located and retain one copy.

In the case of cities of the first and second class the state aid calculated shall be paid directly to the treasurer of the relief association. In the case of all other municipalities and independent fire department relief associations or retirement plans the aid shall be paid to the treasurer of the municipality where the fire department is located and the treasurer of the municipality shall within 30 days transmit the aid to the relief association if the relief association has filed a financial report with the treasurer of the municipality and has met all other statutory provisions pertaining to the aid apportionment.

The county auditor and commissioner are hereby empowered to make rules and regulations to permit the administration of the provisions of this section.

(2) The county auditor shall apportion the state police aid received by him to each municipality and to the county in the following manner:

(a) For all municipalities maintaining police departments and the county, the state aid shall be distributed by the county auditor in proportion to the total number of police officers, as ~~defined in~~ *determined pursuant to* section 69.011, subdivision 1, clause ~~(h)~~ *(g), and subdivision 2, clause (b)*, employed by each municipality and by the county *for 12 calendar months and the proportional or fractional number who were employed less than 12 months*;

(b) For each municipality which contracts with the county for police service, a proportionate amount of the state aid distributed to the county based on the

full time equivalent number of police officers providing contract service shall be credited against the municipality's contract obligation;

(c) For each municipality which contracts with another municipality for police service, a proportionate amount of the state aid distributed to the municipality providing contract service based on the full time equivalent number of police officers providing contract service on a full time equivalent basis shall be credited against the contract obligation of the municipality receiving contract service;

(d) No municipality entitled to receive police state aid shall be apportioned less police state aid for any year under Laws 1976, Chapter 315, than the amount which was apportioned to it for calendar year 1975 based on premiums reported to the commissioner for calendar year 1974; provided, the amount of police state aid to other municipalities within the county and to the county shall be adjusted in proportion to the total number of police officers in the municipalities and the county, so that the amount of police state aid apportioned shall not exceed the amount of police state aid available for apportionment.

The county auditor and commissioner are hereby empowered to make rules and regulations to permit the administration of the provisions of this section.

Sec. 9. Minnesota Statutes 1980, Section 69.031, Subdivision 5, is amended to read:

Subd. 5. [DEPOSIT OF STATE AID.] (1) The municipal treasurer, when the state aid and tax is received by him, shall within 30 days after receipt pay over the portion of it attributed to premiums reported on the Minnesota Firetown Premium Report to the treasurer of the duly incorporated firefighter's relief association if there is one organized and the association has filed a financial report with the municipality; but if there is no relief association organized, or if any association dissolve, be removed, or has heretofore dissolved, or has been removed as trustees of state aid, then the treasurer of the municipality shall keep the money in the municipal treasury as provided for in ~~sections 424.30 and 424.31~~ *section 424A.08* and shall be disbursed only for the purposes and in the manner set forth in those sections.

(2) The municipal treasurer, upon receipt of the state aid and tax attributed to insurance premiums reported on the Minnesota Aid to Police Premium Report, shall disburse the state aid in the following manner.

(a) For a municipality in which a local police relief association exists and all police officers are members of the association, the total state aid shall be transmitted to the treasurer of the relief association within 30 days of the date of receipt, and the treasurer of the relief association shall immediately deposit the total state aid in the special fund of the relief association;

(b) For a municipality in which police retirement coverage is provided by the public employees police and fire fund and all police officers are members of the fund, the total state aid shall be applied toward the municipality's employer contribution to the public employees police and fire fund pursuant to section 353.65, subdivision 3, and any state aid in excess of the amount required to meet the employer's contribution pursuant to section 353.65, subdivision 3, shall also be contributed to the public employees police and fire fund and credited in the manner to be specified by the board of trustees of the public employees retirement association; or

(c) For a municipality in which both a police relief association exists and police retirement coverage is provided in part by the public employees police and fire fund, the municipality may elect at its option to transmit the total state aid to the treasurer of the relief association as provided in this subdivision, to use the total state aid to apply toward the municipality's employer contribution to the public employees police and fire fund subject to all the provisions set forth in clause (b), or to allot the total state aid proportionately to be transmitted to the police relief association as provided in this subdivision and to apply toward the municipality's employer contribution to the public employees police and fire fund subject to the provisions of clause (b) on the basis of the respective number of active full time police officers, as defined in section 69.011, subdivision 1, clause ~~(h)~~ *(g)*.

(3) The county treasurer, upon receipt of the police state aid for the county, shall apply the total state aid toward the county's employer contribution to the public employees police and fire fund pursuant to section 353.65, subdivision 3, and any state aid in excess of the amount required to meet the employer's contribution pursuant to section 353.65, subdivision 3, shall also be contributed to the public employees police and fire fund and credited in the manner to be specified by the board of trustees of the public employees retirement association.

Sec. 10. Minnesota Statutes 1980, Section 352.113, Subdivision 3, is amended to read:

Subd. 3. [COMPUTATION OF BENEFITS.] The total and permanent disability benefit shall be computed in the manner provided in section 352.115. The disability benefit shall be the normal annuity without reduction for each month the employee is under age 65 at the time of becoming disabled. ~~The optional annuities provided for in section 352.116 do not apply to this section. Employees covered by the system whose total and permanent disability shall have been established prior to July 1, 1961, and approved by the trustees, shall continue to receive the disability benefits provided by the law then in effect so long as the total and permanent disability continues.~~ *A disabled employee may elect to receive the normal disability benefit or an optional annuity as provided in section 352.116, subdivision 3. The election of an optional annuity shall be made prior to the commencement of payment of the disability benefit and shall be effective 30 days after receipt of the election or the date on which the disability begins to accrue as provided in subdivision 2, whichever occurs later. Upon becoming effective, the optional annuity shall begin to accrue on the same date as provided for the disability benefit.*

Sec. 11. Minnesota Statutes 1980, Section 352.113, Subdivision 12, is amended to read:

Subd. 12. [RETIREMENT STATUS AT AGE 65.] The disability benefit paid to ~~an~~ *a disabled* employee hereunder shall terminate when ~~he~~ *the employee* reaches age 65. If ~~he~~ *the disabled employee* is still totally and permanently disabled~~. At that time he~~ *when the employee reaches age 65, the employee* shall be deemed to be a retired employee and, *if the employee had elected an optional annuity pursuant to subdivision 3, shall receive an annuity in accordance with the terms of the optional annuity previously elected, or, if the employee had not elected an optional annuity pursuant to subdivision 3,* may then elect to receive *either* a normal retirement annuity equal *in amount* to the

disability benefit paid ~~to him~~ before ~~he~~ *the employee* reached age 65 or an optional annuity as provided in section 352.116, subdivision 3. Election of an optional annuity ~~must~~ *shall* be made ~~within 60 days~~ prior to reaching age 65 ~~and,~~. If *an optional annuity is* elected, *the election shall be effective on the date on which the employee attains the age of 65 years and* the optional ~~amount~~ *annuity* shall begin to accrue the first of the month following the month in which the employee attains age 65.

Sec. 12. Minnesota Statutes 1980, Section 352.95, is amended by adding a subdivision to read:

Subd. 1a. [OPTIONAL ANNUITY ELECTION.] *A disabled correctional employee may elect the normal disability benefit or an optional annuity as provided in section 352.116, subdivision 3. The election of an optional annuity shall be made prior to commencement of payment of the disability benefit and shall be effective 30 days after receipt of the election or the date on which the disability benefit begins to accrue as provided in subdivision 3, whichever occurs later. Upon becoming effective, the optional annuity shall begin to accrue on the same date as provided for the disability benefit.*

Sec. 13. Minnesota Statutes 1980, Section 352.95, Subdivision 5, is amended to read:

Subd. 5. [RETIREMENT STATUS AT AGE 65.] The disability benefit paid to ~~an~~ *a disabled correctional* employee hereunder shall terminate when the employee reaches age 62. ~~At that time he or she~~ *If the disabled correctional employee is still disabled when the employee reaches age 62, the employee* shall be deemed to be a retired employee and, *if the employee had elected an optional annuity pursuant to subdivision 1a, shall receive an annuity in accordance with the terms of the optional annuity previously elected, or, if the employee had not elected an optional annuity pursuant to subdivision 1a,* may then *either* elect to receive a normal retirement annuity computed in the manner provided in section 352.115 or *elect to receive* an optional annuity as provided in section 352.116, subdivision 3, based on the same length of service as used in the calculation of the disability benefit. *Election of an optional annuity shall be made prior to attaining the age of 62 years.* The reduction for retirement prior to age 65 as provided in section 352.116, subdivision 1, shall not be applicable. The savings clause provision of section 352.93, subdivision 3, shall be applicable. *If an optional annuity is elected, the optional annuity shall begin to accrue on the first of the month following the month in which the employee attains the age of 62 years.*

Sec. 14. Minnesota Statutes 1980, Section 352B.10, is amended to read:

352B.10 [DISABILITY BENEFITS.]

(1) Any member less than 55 years of age, who shall become disabled and physically unfit to perform his duties as a direct result of an injury, sickness, or other disability incurred in or arising out of any act of duty, which shall render the member physically or mentally unable to perform his or her duties, shall receive disability benefits during the period of such disability. The benefits shall be paid in monthly installments equal to that portion of the average monthly salary of the member multiplied (a) by 50 percent and, (b) by an additional two percent for each year and pro rata for completed months of service in excess of 20 years.

(2) If a member is injured under circumstances which entitle him to receive benefits under the workers' compensation law, he shall receive the same benefits as provided in clause (1), less the amount paid to him in weekly benefits under the workers' compensation law.

(3) Any member who after not less than five years of service, before reaching the age of 55, terminates employment because of sickness or injury occurring while not on duty and not engaged in state work entitling the member to membership and the termination is necessary because the member is unable to perform his or her duties shall be entitled to receive a disability benefit. The benefit shall be in the same amount and computed in the same manner as if the member were 55 years of age at the date of disability and the annuity were paid pursuant to section 352B.08. Should disability under this clause occur after five but in less than ten years service, the disability benefit shall be computed as though the member had ten years service.

(4) No member shall receive any disability benefit payment when the member has unused annual leave or sick leave or under any other circumstances, when during the period of disability there has been no impairment of salary. Should such member or former member resume a gainful occupation and his or her earnings are less than the salary received at the date of disability or the salary currently paid for similar positions, the disability benefit shall be continued in an amount which when added to earnings does not exceed the salary received at the date of disability or the salary currently paid for similar positions, whichever is higher, provided the disability benefit in such case does not exceed the disability benefit originally allowed.

(5) No disability benefit payment shall be made except upon adequate proof furnished to the director of the existence of such disability, and during the time when any such benefits are being paid, the director shall have the right, at reasonable times, to require the disabled former member to submit proof of the continuance of the disability claimed.

(6) A disabled member not eligible for survivorship coverage pursuant to section 352B.11, subdivision 2, may elect the normal disability benefit or an optional annuity as provided in section 352B.08, subdivision 2. The election of an optional annuity shall be made prior to commencement of payment of the disability benefit and shall be effective 30 days after receipt of this election or the date on which the disability benefit begins to accrue, whichever occurs later. Upon becoming effective, the optional annuity shall begin to accrue on the same date as provided for the disability benefit.

Sec. 15. Minnesota Statutes 1980, Section 352B.105, is amended to read:

352B.105 [TERMINATION OF DISABILITY BENEFITS.]

All disability benefits payable under section 352B.10 shall terminate when the beneficiary becomes 55 years of age. ~~Thereafter, retirement benefits shall be paid to the beneficiary in the same amount as the disability benefits which he was previously receiving, except that he may elect when he attains 55 years of age to receive retirement benefits in accordance with any option then available to other members retiring at the time.~~ *If the beneficiary is still disabled when the beneficiary attains the age of 55 years, the beneficiary shall be deemed to be a retired member and, if the beneficiary had elected an optional annuity pursuant to section 352B.10, clause (6), shall receive an annuity in accor-*

dance with the terms of the optional annuity previously elected, or, if the beneficiary had not elected an optional annuity pursuant to section 352B.10, clause (6), may then elect to receive either a normal retirement annuity computed pursuant to section 352B.08, subdivision 1, or an optional annuity as provided in section 352B.08, subdivision 2. Election of an optional annuity shall be made prior to attaining the age of 55 years. If an optional annuity is elected, the optional annuity shall begin to accrue the first of the month following the month in which the beneficiary attains the age of 55 years.

Sec. 16. Minnesota Statutes 1980, Section 353.01, Subdivision 2a, is amended to read:

Subd. 2a. [INCLUDED EMPLOYEES.] The following persons are included in the meaning of "public employee":

(a) Elected or appointed officers and employees of elected officers.

(b) District court reporters.

(c) Officers and employees of the public employees retirement association.

(d) Employees of the League of Minnesota Cities.

(e) Officers and employees of public hospitals, owned or operated by or an integral part of, any governmental subdivision or governmental subdivisions.

(f) Employees of a school district who receive separate salaries for driving their own buses.

(g) Employees of the Association of Minnesota Counties.

(h) Employees of the Metropolitan Inter-County Council.

(i) Employees of the Minnesota Municipal Utilities Association.

(j) Elected or appointed officers and employees of the city of Minneapolis, or any of the boards, departments or commissions operated as a department of the city of Minneapolis or independently if financed in whole or in part by funds of the city of Minneapolis, if the officer's assumption of the position or the employee's employment initially commences on or after July 1, 1979.

(k) Employees of the metropolitan airports commission if employment initially commences on or after July 1, 1979.

(l) Employees of the Minneapolis municipal employees retirement fund, if employment initially commences on or after July 1, 1979.

(m) Employees of special school district number 1 who are not members of the Minneapolis teachers retirement fund association if employment initially commences on or after July 1, 1979.

(n) Employees of the Range Association of Municipalities and Schools.

(o) Employees of the soil and water conservation districts.

Sec. 17. Minnesota Statutes 1980, Section 353.01, Subdivision 2b, is amended to read:

Subd. 2b. [EXCLUDED EMPLOYEES.] The following persons are excluded from the meaning of "public employee":

(a) Persons employed for professional services where such service is in-

cidental to regular professional duties.

(b) Election officers.

(c) Independent contractors and their employees.

(d) Patient and inmate help in governmental subdivision charitable, penal and correctional institutions.

(e) Members of boards, commissions, bands and others who serve the governmental subdivision intermittently.

(f) Employees who hold positions of an essentially temporary or seasonal character, provided such employment does not continue for a period in excess of 120 working days in any calendar year. Immediately following the expiration of such 120 working days if such employees continue in public service and earn in excess of ~~$250~~ *$325* in any one calendar month, the department heads must then report all such employees for membership and must cause employee contributions to be made on behalf of such employees in accordance with section 353.27, subdivision 4, and they shall remain members until termination of public service.

(g) Part-time employees other than firefighters who receive monthly compensation not exceeding ~~$250~~ *$325*, and part-time employees other than firefighters and elected officials whose annual compensation is stipulated in advance to be not more than ~~$3,000~~ *$3,900* per year, except that members shall continue their membership until termination of public service.

(h) Persons who first occupy an elected office after March 1, 1978, the compensation for which does not exceed ~~$250~~ *$325* per month.

(i) Emergency employees who are employed by reason of work caused by fire, flood, storm or similar disaster.

(j) Employees who by virtue of their employment are required to contribute to any other pension, relief or retirement fund established for the benefit of officers and employees of a governmental subdivision, except as an act of the legislature has specifically enabled participation by employees of a designated governmental subdivision in a plan supplemental to the public employees retirement association; provided that this clause shall not prevent a person from contributing to the public employees retirement association and also belonging to or contributing to another public pension fund for other service occurring during the same period of time.

(k) Police matrons employed in a police department of any city who are transferred to the jurisdiction of a joint city and county detention and corrections authority.

(l) Chaplains and nuns who have taken a vow of poverty as members of a religious order.

(m) Full-time students who are enrolled and are regularly attending classes at an accredited school, college or university; provided, no person employed full-time by a governmental subdivision shall be exempt under this paragraph.

(n) Resident physicians, medical interns and pharmacist interns who are serving in public hospitals.

(o) Appointed or elected officers, paid entirely on a fee basis, and who were

not members on June 30, 1971.

(p) Nothing in Laws 1973, Chapter 753 shall be interpreted to impair or revoke any option exercised under Laws 1963, Chapter 793.

(q) Persons employed in subsidized on-the-job training, work experience or public service employment as enrollees under the federal comprehensive employment and training act from and after March 30, 1978, unless the person has as of the later of March 30, 1978 or the date of employment sufficient service credit in the retirement fund to meet the minimum vesting requirements for a deferred retirement annuity, or the employer agrees in writing on forms prescribed by the executive director to make the required employer contributions, including any employer additional contributions, on account of that person from revenue sources other than funds provided under the federal comprehensive training and employment act, or the person agrees in writing on forms prescribed by the executive director to make the required employer contributions in addition to the required employee contribution.

(r) Town, city or county assessors elected or appointed pursuant to chapter 273 who do not receive compensation in excess of ~~$250~~ *$325* per month from any one employing governmental subdivision or who are employed pursuant to an employment contract which sets forth the total compensation to be paid and the length of service, not to exceed three months in duration, required for the performance of the contract and which was entered into in advance of the commencement of employment.

(s) Volunteer firefighters as defined in subdivision 34.

(t) A person holding a part time adult supplementary vocational-technical school license who renders part time teaching service in a vocational-technical school if (1) the service is incidental to the person's regular nonteaching occupation; and (2) the applicable vocational-technical school stipulates annually in advance that the part time teaching service will not exceed 300 hours in a fiscal year; and (3) the part time teaching service actually does not exceed 300 hours in a fiscal year.

(u) A person exempt from licensure pursuant to section 125.031.

Sec. 18. Minnesota Statutes 1980, Section 353.01, Subdivision 6, is amended to read:

Subd. 6. [GOVERNMENTAL SUBDIVISION.] "Governmental subdivision" means a county, city, town, school district within this state, or a department or unit of state government, or any public body whose revenues are derived from taxation, fees, assessments or from other sources, but does not mean any municipal housing and redevelopment authority organized under the provisions of sections 462.415 to 462.711; or any port authority organized pursuant to chapter 458; ~~or any soil conservation district organized pursuant to chapter 40;~~ or any hospital district organized or reorganized prior to July 1, 1975 pursuant to legislation enacted by the 1959 legislature.

Sec. 19. [353.024] [RETIREMENT; PUBLIC EMPLOYEES RETIREMENT ASSOCIATION; EMPLOYEES OF SUBURBAN PUBLIC HEALTH NURSING SERVICE, INCORPORATED.]

From and after June 1, 1981, employees of the Suburban Public Health Nursing Service, Incorporated, shall become members of the public employees

retirement association unless specifically exempt under section 353.01, subdivision 2b, and the Suburban Public Health Nursing Service, Incorporated, shall be deemed to be a governmental subdivision for the purpose of this chapter.

Retirement coverage by the public employees retirement association shall be provided by the appropriate retirement program as follows:

(a) an employee who was a basic member of the public employees retirement association prior to December 2, 1977, and who chose to be excluded from federal old age, survivors, disability and health insurance coverage during an authorized referendum for the period from December 2, 1977, to June 1, 1981, shall be deemed to be a basic member and shall be entitled to coverage by the basic retirement program; and

(b) an employee who was either a basic member or a coordinated member prior to December 2, 1977, and who chose to be included in federal old age, survivors, disability and health insurance coverage during an authorized referendum for the period December 2, 1977, to June 1, 1981, or an employee who was a coordinated member prior to December 2, 1977, and who chose to be excluded from federal old age, survivors, disability and health insurance coverage during an authorized referendum for the period from December 2, 1977, to June 1, 1981, shall be deemed to be a coordinated member and shall be entitled to coverage by the coordinated retirement coverage.

Sec. 20. [353.025] [RETIREMENT; PUBLIC EMPLOYEES RETIREMENT ASSOCIATION; RANGE ASSOCIATION OF MUNICIPALITIES AND SCHOOLS.]

From and after January 1, 1982, employees of the Range Association of Municipalities and Schools hereinafter referred to as the association, shall become coordinated members of the public employees retirement association unless specifically exempt under section 353.01, subdivision 2b, and the association shall be deemed to be a governmental subdivision for the purposes of this chapter.

Sec. 21. Minnesota Statutes 1980, Section 353.33, is amended by adding a subdivision to read:

Subd. 3a. [OPTIONAL ANNUITY ELECTION.] *A disabled member may elect to receive the normal disability benefit or an optional annuity as provided in section 353.30, subdivision 3. The election of an optional annuity shall be made prior to the commencement of payment of the disability benefit and shall be effective 30 days after receipt of the election or the date on which the disability benefit begins to accrue as provided in subdivision 2, whichever occurs later. Upon becoming effective, the optional annuity shall begin to accrue on the same date as provided for the disability benefit.*

Sec. 22. Minnesota Statutes 1980, Section 353.33, Subdivision 11, is amended to read:

Subd. 11. [RETIREMENT STATUS AT AGE 65.] No person shall be entitled to receive disability benefits and a retirement annuity at the same time. The disability benefits paid to a person hereunder shall terminate when ~~he~~ *the person* reaches age 65~~,~~. If ~~he~~ *the person* is still totally and permanently disabled ~~. At that time he~~ *when the person attains the age of 65 years, the person* shall be

deemed to be on retirement status and, *if the person had elected an optional annuity pursuant to subdivision 3a, shall receive an annuity in accordance with the terms of the optional annuity previously elected, or, if the person had not elected an optional annuity pursuant to subdivision 3a,* may at ~~his~~ *the* option ~~be paid~~ *of the person either elect to receive* either a normal retirement annuity as provided in section 353.29 or normal retirement annuity equal to the disability benefit paid ~~to him~~ before ~~he~~ *the person* reached age 65, whichever amount is greater, *or elect to receive an optional annuity as provided in section 353.30, subdivision 3.* Any disabled person who becomes age 65 ~~after June 30, 1973,~~ shall have ~~his~~ *the* annuity computed in accordance with the law in effect upon attainment of age 65. ~~A person who elects an annuity under section 353.29 may, prior to age 65, select an optional annuity pursuant to section 353.30, subdivision 3.~~ *Election of an optional annuity shall be made prior to the person attaining the age of 65 years. If an optional annuity is elected, the election shall be effective on the date on which the person attains the age of 65 years and the optional annuity shall begin to accrue on the first day of the month next following the month in which the person attains the age of 65 years.*

Sec. 23. Minnesota Statutes 1980, Section 353.656, is amended by adding a subdivision to read:

Subd. 1a. [OPTIONAL ANNUITY ELECTION.] *A disabled member of the police and fire fund may elect to receive the normal disability benefit or an optional annuity as provided in section 353.30, subdivision 3. The election of an optional annuity shall be made prior to commencement of payment of the disability benefit and shall be effective 30 days after receipt of the election or the date on which the disability benefit begins to accrue, whichever occurs later. Upon becoming effective, the optional annuity shall begin to accrue on the same date as provided for the disability benefit.*

Sec. 24. Minnesota Statutes 1980, Section 353.656, Subdivision 6, is amended to read:

Subd. 6. [RETIREMENT STATUS AT AGE 55.] All disability benefits payable under this section shall terminate when the disabled firefighter or police officer becomes 55 years of age. ~~Thereafter, retirement benefits shall be paid to the disabled firefighter or police officer in the same amount as the disability benefits which he was previously receiving.~~ *If the person is still disabled when the person attains the age of 55 years, the person shall be deemed to be a retired member and, if the person had elected an optional annuity pursuant to subdivision 1a, shall receive an annuity in accordance with the terms of the optional annuity previously elected, or, if the person had not elected an optional annuity pursuant to subdivision 1a, may then elect to receive either a normal retirement annuity computed pursuant to section 353.651, or an optional annuity as provided in section 353.30, subdivision 3.* Any disabled person who becomes age 55 ~~after June 30, 1973,~~ shall have ~~his~~ *the* annuity computed in accordance with the law in effect upon attainment of age 55. ~~Prior to reaching age 55, a disabled person may select an optional annuity pursuant to section 353.30, subdivision 3.~~ *Election of an optional annuity shall be made prior to the person attaining the age of 55 years. If an optional annuity is elected, the election shall be effective on the date on which the person attains the age of 55 years and the optional annuity shall begin to accrue on the first day of the month next following the month in which the person attains the age of 55 years.*

Sec. 25. Minnesota Statutes 1980, Section 354.48, is amended by adding a subdivision to read:

Subd. 3a. [OPTIONAL ANNUITY ELECTION.] *A disabled member may elect to receive the normal disability benefit or an optional annuity as provided in section 354.45, subdivision 1. The election of an optional annuity shall be made prior to commencement of payment of the disability benefit and shall be effective 30 days after receipt of the election or the date on which the disability benefit begins to accrue, whichever occurs later. Upon becoming effective, the optional annuity shall begin to accrue on the same date as provided for the disability benefit.*

Sec. 26. Minnesota Statutes 1980, Section 354.48, Subdivision 10, is amended to read:

Subd. 10. [RETIREMENT STATUS AT AGE 65.] No person shall be entitled to receive both disability benefits and a retirement annuity provided by this chapter. The disability benefit paid to a person hereunder shall terminate when ~~he~~ *the person* reaches age 65. If ~~he~~ *the person* is still totally and permanently disabled~~. At that time he~~ *when the person attains the age of 65 years, the person* shall be deemed to be on retirement status and ~~he~~, *if the person had elected an optional annuity pursuant to subdivision 3a, shall receive an annuity in accordance with the terms of the optional annuity previously elected, or, if the person had not elected an optional annuity pursuant to subdivision 3a,* may at ~~his~~ *the* option ~~be paid~~ *of the person elect to receive* either a straight life retirement annuity ~~as provided in~~ *computed pursuant to* section 354.44 or a straight life retirement annuity equal to the disability benefit paid ~~to him~~ before ~~he~~ *the person* reached age 65, whichever amount is greater, *or elect to receive an optional annuity as provided in section 354.45, subdivision 1.* ~~He may instead of taking the straight life annuity provided herein, however, select an optional retirement annuity as provided in section 354.45. Any disability benefit recipient who is age 65 after June 30, 1973 shall have his retirement annuity computed in accordance with Minnesota Statutes 1974, section 354.44, subdivision 6 or 7, if such annuity is larger than the annuity otherwise payable. Any increase in retirement annuities shall begin to accrue July 1, 1975~~ *Election of an optional annuity shall be made prior to the person attaining the age of 65 years. If an optional annuity is elected, the election shall be effective on the date on which the person attains the age of 65 years and the optional annuity shall begin to accrue on the first day of the month next following the month in which the person attains the age of 65 years.*

Sec. 27. Minnesota Statutes 1980, Section 354A.36, is amended by adding a subdivision to read:

Subd. 3a. [OPTIONAL ANNUITY ELECTION.] *A disabled coordinated member may elect to receive the normal disability benefit or an optional annuity as provided in section 354A.32. The election of an optional annuity shall be made prior to commencement of payment of the disability benefit and shall be effective 30 days after receipt of the election or the date on which the disability benefit begins to accrue, whichever occurs later. Upon becoming effective, the optional annuity shall begin to accrue on the same date as provided for the disability benefit.*

Sec. 28. Minnesota Statutes 1980, Section 354A.36, Subdivision 10, is amended to read:

Subd. 10. [RETIREMENT STATUS UPON ATTAINING AGE 65.] No person shall be entitled to receive both a disability benefit under this section and a retirement annuity under section 354A.31. If a disability benefit recipient remains totally and permanently disabled upon attaining age 65, the disability benefit shall terminate and the former disability benefit recipient shall be deemed to be on retirement status. *If* the former disability benefit recipient *had elected an optional annuity pursuant to subdivision 3a, the recipient shall receive an annuity in accordance with the terms of the optional annuity previously elected, or if the recipient had not elected an optional annuity pursuant to subdivision 3a, the recipient* shall be entitled *either* to receive a retirement annuity in an amount equal to the greater of either a single life retirement annuity calculated pursuant to section 354A.31 or the disability benefit paid to the recipient immediately prior to the recipient's attaining age 65. ~~the former disability benefit recipient shall be entitled to~~ *or* elect either a single life retirement annuity as provided in this section or an actuarial equivalent optional form retirement annuity as provided in section 354A.32. *Election of an optional annuity shall be made prior to the person attaining the age of 65 years. If an optional annuity is elected, the election shall be effective on the date on which the person attains the age of 65 years and the optional annuity shall begin to accrue on the first day of the month next following the month in which the person attains the age of 65 years.*

Sec. 29. [356.371] [APPLICATION FOR RETIREMENT ANNUITY; PROCEDURE FOR ELECTING ANNUITY FORM.]

Subdivision 1. [DEFINITIONS.] *As used in this section, the following terms shall have the meanings given.*

(1) "Annuity form" means the payment procedure and duration of a retirement annuity available to a member of a public pension fund, based on the period over which a retirement annuity is payable, determined by the number of persons to whom the retirement annuity is payable, and the amount of the retirement annuity which is payable to each person.

(2) "Joint and survivor optional annuity" means an optional annuity form which provides a retirement annuity to a retired member and the spouse of the member on a joint basis during the lifetime of the retired member and all or a portion of the original retirement annuity amount to the surviving spouse in the event of the death of the retired member.

(3) "Optional annuity form" means an annuity form which is elected by a member and is not provided automatically as the standard annuity form of the public pension fund.

(4) "Public pension fund" means a public pension plan as defined pursuant to Minnesota Statutes, Section 356.60, Subdivision 1, Clause (a).

(5) "Retirement annuity" means a retirement annuity, retirement allowance or service pension.

Subd. 2. [PROVISION OF INFORMATION ON ANNUITY FORMS.] *Every public pension fund which provides for an annuity form other than a single life retirement annuity as an option which can be elected by the active or retiring member shall provide as a part of, or accompanying the annuity application form, a written statement summarizing the optional annuity forms which are available, a general indication of the consequences of selecting one*

annuity form over another, a calculation of the actuarial reduction in the amount of the retirement annuity which would be required for each optional annuity form and the procedure to be followed to obtain more information from the public pension fund concerning optional annuity forms.

Subd. 3. [REQUIREMENT OF NOTICE TO MEMBER'S SPOUSE.] *If a public pension fund provides optional annuity forms which include a joint and survivor optional annuity form potentially applicable to the surviving spouse of a member, the public pension fund shall send a copy of the written statement required by subdivision 2 to the spouse of the member prior to the member's election of an optional annuity.*

Following the election of an annuity form by the member, a copy of the completed annuity application shall be sent by certified mail to the spouse of the retiring member.

Sec. 30. [422A.221] [AUTHORIZATION FOR REPAYMENT OF REFUND IN CERTAIN INSTANCES.]

Subdivision 1. [ENTITLEMENT.] *Any person who was a member of the Minneapolis municipal employees retirement fund by virtue of the person's employment and was required to receive a refund of accumulated member contributions and interest pursuant to Minnesota Statutes 1957, Section 422.09 shall be entitled to repay to the Minneapolis municipal employees retirement fund any amounts refunded and, when otherwise qualified, to receive a retirement annuity from the fund calculated under the applicable law in effect upon the termination of covered service.*

Subd. 2. [CALCULATION OF REPAYMENT.] *The refund repayment shall be an amount equal to the amount previously refunded plus interest from the date of the refund until the date of the repayment at the rate of six percent per annum, compounded annually. No service credit shall be credited prior to the receipt of the amount refunded plus interest thereon.*

Sec. 31. Laws 1945, Chapter 74, Section 2, as amended by Laws 1949, Chapter 164, Section 1; Laws 1953, Chapter 235, Section 1; Laws 1959, Chapter 211, Section 1; Laws 1961, Chapter 290, Section 1; and Laws 1971, Chapter 810, Section 1, is amended to read:

Sec. 2. [CHISHOLM, CITY OF; POLICE RELIEF ASSOCIATION, PENSIONS.]

The members of the municipal police department of Chisholm are hereby authorized to become incorporated pursuant to the provisions of General Statutes 1923, Chapter 58, and the laws amendatory thereto, and adopt a constitution and bylaws as a relief association, and provide for and permit and allow such police relief association, so incorporated, and organized, to pay out of and from any funds it may have received from any source a service, disability or dependency pension in such amounts and in such manner as its articles of incorporation and bylaws shall designate, subject to the provisions of Laws 1945, Chapter 74, as amended.

When a member has reached the age of ~~55~~ *50* years or more and served as a member of such municipal police department for a period of 20 years or more, or has been disabled physically or mentally because of any injury received or suffered after at least one year of service as a member of the police department,

so as to render necessary his retirement from active police service and cause a total and permanent disability, such retirement member shall be paid each month a pension equal to one-half of his average monthly ~~base~~ *total* pay during the last six months of his service with said police department. No pension authorized by this act shall be paid to any person after he removes his residence from the United States, or to any person who shall have been convicted of a felony for which he shall have been adjudged to be imprisoned, or who is an habitual drunkard, or to any person receiving a pension or sick relief from any other public relief association.

When any member retires from said service who either is not entitled to, or does not care to accept a pension, he may withdraw all moneys deducted from his salary, minus any moneys that have been paid out of such fund for his benefit for hospitalization or doctors' services, or in insurance premiums therefor. In that event, neither he nor his dependents shall be entitled to further benefits under Laws 1945, Chapter 74, as amended. Alternatively, a member of the association who completes 20 years of service but has not attained ~~55~~ *50* years of age may retire without forfeiting his right to a retirement pension. Upon application he shall be placed upon the preferred pension roll of the association. After he has attained the age of ~~55~~ *50* years the association shall, upon application, commence payment of his pension from the date upon which it approves his application.

These monthly payments may be increased by adding thereto an amount not exceeding $5 per month for each year of active duty over 20 years of service before retirement not to exceed five years for purposes of pension computation. No such pension shall be paid to any person while he remains a member of the police department and no person receiving such pension shall be entitled to any other relief from the association.

Sec. 32. Laws 1945, Chapter 74, Section 3, is amended to read:

Sec. 3. [~~WIDOWS AND CHILDREN MAY RECEIVE PENSION~~ *SURVIVORS' BENEFITS.*]

Subdivision 1. [DEFINITIONS.] *For the purposes of Laws 1945, Chapter 74, as amended, the terms defined in this section have the meanings given them.*

(1) "Surviving spouse" means a person who became the member's legally married spouse during or prior to the time the member was on the payroll of any such police department as a police officer, and remained such continuously after their marriage until the member's death, without having been granted a marriage dissolution or legal separation, and who, in case the deceased member was a service or deferred pensioner, was legally married to the member before the member's retirement from the police department; and who, in any case, was residing with the member at the time of the member's death. No temporary absence for purposes of business, health or pleasure shall constitute a change of residence for purposes of this clause.

(2) "Surviving child" means any child born the issue of the lawful wedlock of a service, disability or deferred pensioner or of a deceased active member, who is under the age of 18 or who is a full-time student under the age of 22.

Subd. 2. [ELIGIBILITY.] Pensions may be paid to any ~~widow~~ *surviving spouse* or *surviving* child ~~under sixteen years of age~~ of ~~such~~ *a* pensioned and

retired member of the police department, or ~~to any widow or child under sixteen years of age~~ of any member who dies while in the service of the police department of ~~any such~~ *this* city.

Sec. 33. Laws 1945, Chapter 74, Section 4, as amended by Laws 1953, Chapter 235, Section 2; and Laws 1971, Chapter 810, Section 3, is amended to read:

Sec. 4. [*SURVIVORS'* PENSIONS, ~~TO WHOM~~ *AMOUNTS* PAYABLE.]

~~Pension may be paid by such police relief association to any widow or child under 19 years of age of any such pensioned and retired member of the police department and to any widow or child under 19 years of age of any member who dies while in the service of the police department of such city, and such widow or child shall receive such sums as may be provided for in the bylaws of such police relief association. In the event any such widow remarries, she shall receive no further benefits under this law.~~

A surviving spouse shall receive a monthly benefit equal to 25 percent of the member's average monthly total pay during the last six months of allowable service preceding death. If a surviving spouse remarries, the pension shall cease and terminate as of the date of the remarriage.

Each surviving child shall receive a monthly benefit equal to $125 per month.

If both the member and the member's spouse are deceased, a monthly benefit equal to 25 percent of the member's average monthly total pay during the last six months of allowable service preceding death shall be paid to the surviving child or children. The benefit shall be divided equally if there is more than one surviving child.

This fund shall not be used for any other purpose than the payment of service, disability or dependency pensions, as herein provided, and for the relief of a sick, injured and disabled policeman. The word "member" as used in this act includes policewomen, police matrons and assistant police matrons.

Sec. 34. Laws 1955, Chapter 151, Section 7, as amended by Laws 1963, Chapter 271, Section 4, Laws 1965, Chapter 465, Section 1, and Laws 1969, Chapter 442, Section 2, is amended to read:

Sec. 7. [ST. PAUL POLICE RELIEF ASSOCIATION; AUTHORIZED INVESTMENTS.]

In addition to the rate allowed to be expended for cost of government by the charter of the city or state statute, the city shall levy a tax on all taxable property within the city of Saint Paul at a mill rate which is the greater of (a) or (b) but not greater than (c) where

(a) is the benefits to be paid from the plan in the ensuing calendar year (all other income will be added to the assets as a net increase in such assets) and

(b) is the "adjusted normal cost" for the ensuing calendar year less all other income other than investment income during the ensuing calendar year where the term "adjusted normal cost" is defined as the normal cost figure indicated in the most recent actuarial report required by law increased or decreased by the same ratio as participating (covered) payroll has increased or decreased since the date of the most recent actuarial report required by law, plus interest on the

actual deficit as shown by the most recent actuarial valuation at the rate of three percent per annum, and

(c) is an amount not greater than four mills in the year 1969 and an additional one mill each year thereafter unless a greater amount is required by the police and firemen's relief associations guidelines act of 1969.

The results of (a), (b) and (c) above will be adjusted so as to reflect any differences between estimates for prior calendar years and actual circumstances during such prior calendar years.

The tax so levied under the provisions of this section shall be levied in the same manner as the city levies other taxes, and the proceeds of this tax shall be paid into the St. Paul policemen's pension fund. The tax levy authorized by this section shall not be considered a part of the tax levy under any limitation in the charter of the city or state statute, but shall be in addition to any existing charter or statutory tax levy limitation.

~~Said relief association may deposit all funds available for investment with any bank or savings and loan association in Saint Paul in the form of time deposits or with the state board of investment for the purchase of shares of participation in the supplemental retirement fund or any similar fund created by the legislature for police pension investment purposes. At the determination of the board of trustees of the association, up to 20 percent of the funds deposited with the state board of investment may be invested in the growth share account, with the remainder to be invested in the income share account. Such shares shall be credited to the account of and owned by the Saint Paul police retirement association and not to the account of any individual employee.~~ *The investment of the funds of the relief association shall be governed pursuant to Minnesota Statutes, Section 69.77, Subdivision 2, Clause (7).*

Sec. 35. Laws 1955, Chapter 375, Section 12, as amended by Laws 1957, Chapter 256, Section 1, Laws 1967, Chapter 708, Section 1, and Laws 1969, Chapter 443, Section 1, is amended to read:

Sec. 12. [ST. PAUL, CITY OF; ~~FIREMEN'S~~ *FIREFIGHTERS'* RELIEF ASSOCIATION; TAX LEVY.]

The city council or other governing body of such city wherein such a relief association is located shall, each year, at the time the tax levies for the support of the city are made, and in addition thereto levy a tax on all taxable property within the city of Saint Paul in an amount which is the greater of (a) or (b) but not greater than (c) where

(a) is the benefits to be paid from the plan in the ensuing calendar year (all other income will be added to the assets as a net increase in such assets), and

(b) is the "Adjusted Normal Cost" for the ensuing calendar year less all other income other than investment income during the ensuing calendar year where the term "Adjusted Normal Cost" is defined as the Normal Cost figure indicated in the most recent actuarial report required by law increased or decreased by the same ratio as participating (covered) payroll has increased or decreased since the date of the most recent actuarial report required by law, plus interest on the actual deficit as shown by the most recent actuarial valuation at the rate of three percent per annum, and

(c) is an amount not greater than four and one half mills in the year 1969 and

an additional one mill each year thereafter unless a greater amount is required by the Police and Firemen's Relief Associations Guidelines Act of 1969.

The results of (a), (b) and (c) above will be adjusted so as to reflect any differences between estimates for prior calendar years and actual circumstances during such prior calendar years.

The tax so levied under the provisions of this section shall be levied in the same manner as the city levies other taxes, and the proceeds of this tax shall be paid into the St. Paul Fire Department Relief Association's pension fund. The tax levy authorized by this section shall not be considered a part of the tax levy under any limitation in the charter of the city or state statute, but shall be in addition to any existing charter or statutory tax levy limitation.

The tax so levied shall be transmitted with other tax levies to the auditor of the county in which such city is situated, and by said county shall be collected and payment thereof enforced when and in like manner as state and county taxes are paid.

~~Said relief association may deposit all funds available for investment with any bank or savings and loan association in Saint Paul in the form of time deposits or with the state board of investment for the purchase of shares of participation in the Supplemental Retirement Fund or any similar fund created by the legislature for fire and police pension investment purposes. At the determination of the board of trustees of the association, up to 20 percent of the funds deposited with the state board of investment may be invested in the Growth Share Account, with the remainder to be invested in the Income Share Account. Such shares shall be credited to the account of and owned by the Saint Paul fire department relief association and not to the account of any individual employee.~~ *The investment of the funds of the relief association shall be governed pursuant to Minnesota Statutes, Section 69.77, Subdivision 2, Clause (7).*

Sec. 36. Laws 1961, Chapter 631, Section 1, as amended by Laws 1971, Chapter 809, Section 1, is amended to read:

Sec. 1. [CHISHOLM, CITY OF; FIREMEN'S RELIEF ASSOCIATION.]

In the city of Chisholm, which has a fire department relief association organized under the laws of this state and authorized to pay pensions under Mason's Minnesota Statutes of 1927, Sections 1919, 1920, and 3723 to 3728, or any amendments thereof, such association may pay retirement pensions in excess of the amounts so authorized, but not in excess of the following total amounts:

When a member has reached the age of ~~55~~ *50* years or more and has served as a member of such municipal fire department for a period of 20 years or more, or has been disabled physically or mentally because of any injury received or suffered after at least one year of service as a member of the fire department so as to render necessary his retirement from active fire service and cause a total and permanent disability, ~~such retirement~~ *the* member shall be paid each month a pension equal to one half of his average monthly ~~base~~ *total* pay during the last six months of his service with said fire department. The monthly payment may be increased by adding thereto an amount not exceeding $5 per month for each year of active duty over 20 years of service before retiring not to exceed five years for purposes of pension computation. No such pension shall be paid to

any person while he remains a member of the fire department. The amounts of the retirement pensions hereby authorized shall not apply to members who have retired prior to the enactment hereof, except as may be hereinafter provided.

Sec. 37. [CHISHOLM FIREFIGHTERS' RELIEF ASSOCIATION; SURVIVORS' BENEFITS.]

Subdivision 1. [DEFINITIONS.] *For the purposes of Laws 1961, Chapter 631, as amended, the terms defined in this section have the meanings given them.*

(1) "Surviving spouse" means a person who became the member's legally married spouse during or prior to the time the member was on the payroll of any such fire department as a firefighter, and remained such continuously after their marriage until the member's death, without having been granted a marriage dissolution or legal separation, and who, in case the deceased member was a service or deferred pensioner, was legally married to the member prior to the member's retirement from the fire department; and who, in any case, was residing with the member at the time of the member's death. No temporary absence for purposes of business, health or pleasure shall constitute a change of residence for purposes of this clause.

(2) "Surviving child" means any child born the issue of the lawful wedlock of a service, disability or deferred pensioner, or of a deceased active member, who is under the age of 18 or who is a full-time student under the age of 22.

Subd. 2. [ELIGIBILITY.] *Notwithstanding any law to the contrary, pensions may be paid to any surviving spouse or surviving child of a pensioned and retired member of the fire department or of any member who dies while in the service of the fire department of this city.*

Subd. 3. [AMOUNTS PAYABLE.] *A surviving spouse shall receive a monthly benefit equal to 25 percent of the member's average monthly total pay during the last six months of allowable service preceding death. If a surviving spouse remarries, the pension shall cease and terminate as of the date of the remarriage.*

Each surviving child shall receive a monthly benefit equal to $125 per month.

If both the member and the member's spouse are deceased, a monthly benefit equal to 25 percent of the member's average monthly total pay during the last six months of allowable service preceding death shall be paid to the surviving child or children. The benefit shall be divided equally if there is more than one surviving child.

Sec. 38. Laws 1974, Chapter 435, Section 3.03, is amended to read:

Sec. 3.03 [RETIREMENT.] ~~Notwithstanding the provisions of the Veterans Preference Act or other statutes of the state of Minnesota to the contrary,~~ Each employee of the county of Ramsey, except ~~each~~ *an* elected official, who is ~~65~~ *70* years of age, ~~must~~ *shall* retire from ~~his~~ employment by Ramsey county on the first day of the month after the month in which ~~he~~ *the employee* becomes ~~65~~ *70*.

Sec. 39. Laws 1977, Chapter 61, Section 6, is amended to read:

Sec. 6. [FINANCIAL REQUIREMENTS OF THE TRUST FUND.]

Commencing January 1, 1978, the city of Eveleth shall provide by annual levy an amount sufficient *to pay the greater of either (a) an amount which* when added to the investment income of the trust fund *is sufficient* to pay the benefits provided under the trust fund for the succeeding year as certified by the board of trustees of the fund, *or (b) an amount equal to the level annual dollar amount sufficient to amortize the unfunded accrued liability of the trust fund by December 31, 1991, as determined in accordance with Minnesota Statutes, Sections 69.77, 356.215 and 356.216, in the latest actuarial valuation.*

The annual levy under this section shall not be included in any limitation as to rate or amount set by charter and shall be a special levy for purposes of Minnesota Statutes, Section 275.50, Subdivision 5. All revenues generated by the levy required under this section shall be transferred to the trust fund.

Sec. 40. [EVELETH POLICE AND FIREFIGHTERS.]

Notwithstanding any general or special law to the contrary, retirement benefits payable to retired police officers and firefighters by the Eveleth police and fire trust fund may be increased by $40 per month. Survivor benefits payable to a surviving spouse or surviving dependent child may be increased by $20 per month. Increases may be made retroactive to January 1, 1981.

Sec. 41. Laws 1978, Chapter 689, Section 5, is amended to read:

Sec. 5. [FINANCIAL REQUIREMENTS OF THE TRUST FUND.]

Commencing January 1, 1979, the city of Thief River Falls shall provide by annual levy an amount sufficient to pay *the greater of either:*

(a) the aggregate amount of service pensions, disability benefits, and survivorship benefits projected by the board of trustees of the trust fund established pursuant to section 4 for the following calendar year less the amount of assets in the trust fund as reported in the last audited financial report of the association prepared pursuant to Minnesota Statutes, Section 69.051, *or*

(b) an amount equal to the level annual dollar amount sufficient to amortize the unfunded accrued liability of the trust fund by December 31, 1996, as determined in accordance with Minnesota Statutes, Sections 69.77, 356.215 and 356.216, in the latest actuarial valuation. All revenues generated by any levy required under this section shall be transferred to the trust fund.

Sec. 42. [THIEF RIVER FALLS POLICE; SURVIVOR BENEFITS.]

Subdivision 1. [BENEFITS.] *Notwithstanding Minnesota Statutes, Section 423.58, when a service pensioner, disability pensioner, deferred pensioner, or an active member of the Thief River Falls police relief association dies, leaving a surviving spouse, one or more surviving children, or both, the surviving spouse and child or children shall be entitled to a pension or pensions as follows:*

(1) To the surviving spouse a pension in an amount not to exceed $250 per month payable for life; provided, however, that if the surviving spouse shall remarry, the pension shall terminate as of the date of remarriage.

(2) To the child or children, until the child reaches the age of 18 years, a monthly benefit in an amount not to exceed $125 per month. Payments for the

benefit of any qualified dependent child under the age of 18 years shall be made to the surviving parent or if none, to the legal guardian of the child. The maximum monthly benefit for any one family shall not exceed $750. If the member shall die under circumstances which entitle his surviving spouse and dependent children to receive benefits under the workers' compensation law, the amounts so received by them shall not be deducted from the benefits payable under this section.

Subd. 2. [DEFINITIONS.] *(a) "Surviving spouse" means a person who became the member's legally married spouse while or prior to the time he was on the payroll of the police department as a police officer, and remained such continuously after their marriage until his death, and who, in case the deceased member was a service or deferred pensioner, was legally married to the member before his retirement from the police department; and who, in any case, was residing with him at the time of his death. No temporary absence for purposes of business, health or pleasure, shall constitute a change of residence for the purposes of this section.*

(b) "Surviving child" means any child born the issue of the lawful wedlock of a service, disability or deferred pensioner, or of a deceased active member.

Sec. 43. [BUHL POLICE SURVIVOR BENEFITS.]

Notwithstanding any provision of any general or special law to the contrary, the Buhl police relief association may provide in its bylaws or articles of incorporation for the payment of survivor benefits to the surviving spouse of a deceased member, or the surviving dependent children equally if there be no surviving spouse, in an amount equal to 50 percent of the pension the deceased member was receiving on the date of death. The service pension is to be based on one-half of the total pay of the previous 12 month period. Payment shall continue until the surviving spouse remarries or until the dependent children reach the age of 18 years, or 22 years if a full-time student. In the event of the death of a member prior to retirement, dependent children shall receive survivor benefits in the amount of $125 per month per child, payable until age 18 or age 22 if a full-time student.

Sec. 44. [ELECTION OF RETIREMENT COVERAGE.]

Subdivision 1. [ELECTION.] *Any person who was an employee of the Suburban Public Health Nursing Service, Incorporated, on or after December 2, 1977, who was excluded from membership in the public employees retirement association shall be entitled to receive allowable service credit in the public employees retirement association in the applicable retirement program for any service as an employee of the Suburban Public Health Nursing Service, Incorporated, during the period from December 2, 1977, to June 1, 1981, if:*

(a) the employee had deposited an amount equal to the applicable employee contribution rate specified in Minnesota Statutes, Section 353.27, Subdivision 2, applied to the salary rates which the employee actually earned during the period in a retirement contribution escrow account established by the Suburban Public Health Nursing Service, Incorporated;

(b) the Suburban Public Health Nursing Service, Incorporated, had deposited an amount equal to the applicable employer and employer additional contribution rate specified in Minnesota Statutes, Section 353.27, Subdivisions 3 and 3a, applied to the salary rates which the employee actually earned

during the period in the retirement contribution escrow account;

(c) the accumulated moneys of the retirement contribution escrow account, including any investment income earned, is transferred on or before the effective date of this act; and

(d) proof of service is established by documentation from the Suburban Public Health Nursing Service, Incorporated, to the executive director of the public employees retirement association in whatever form and to whatever extent required by the executive director.

Allowable service credit shall only be granted based on amounts deposited in the retirement contribution escrow account representing contributions for actual service rendered. Purchase of allowable service credit shall be limited to service attributable to the moneys representing contributions transferred from the escrow account to the public employees retirement association. In the event that the moneys representing contributions transferred to the retirement association are not equal to the amount of contributions which should have been made for the service certified, service credit shall be granted in the proportion that the actual moneys representing contributions bear to the contributions that should have been contributed for the amount of service certified.

For any person, the service credit granted pursuant to this section shall be allowable service for the purposes of Minnesota Statutes, Chapter 353.

Any person covered by this act who is currently receiving an annuity from the public employees retirement association for service other than service credit granted pursuant to this subdivision shall have their annuity recomputed to include the service credit granted pursuant to this section. The recomputed annuity shall be paid commencing the first day of the month following the effective date of the act.

Subd. 2. [REPAYMENT OF REFUND.] *Notwithstanding any minimum service period of Minnesota Statutes 1980, Section 353.35, upon resuming active membership in the public employees retirement association, any person employed by the Suburban Public Health Nursing Service, Incorporated, shall be entitled to repay any refund amounts received pursuant to Minnesota Statutes, Section 353.34, Subdivisions 1 and 2, plus interest at six percent per annum, compounded annually.*

Sec. 45. [TEMPORARY PROVISION.]

Any person whose disability benefit is authorized and in effect pursuant to Minnesota Statutes, Sections 352.113, 352.95, 352B.10, 353.33, 353.656, 354.48, or 354A.36, on the day of final enactment of this act may, on or before December 31, 1981, elect an actuarially equivalent optional annuity pursuant to the provisions of this act. The optional annuity shall be calculated based on the ages of all persons involved as of the date on which the optional annuity begins to accrue. The optional annuity shall begin to accrue on the first day of the month occurring two months after the month in which the optional annuity is elected.

Sec. 46. [REPEALER.]

Minnesota Statutes 1980, Section 353.022, is repealed.

Sec. 47. [EFFECTIVE DATE.]

Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 21, 22, 23, 24, 25, 26, 27, 28, 30, and 45 are effective on the day following final enactment. Section 16 with respect to the addition of clause (n) shall be effective on January 1, 1982, and with respect to the addition of clause (o) shall be effective on July 1, 1981. Section 17 shall be effective on the day following final enactment, except that for any person subject to the provisions of this section who, on or prior to July 1, 1980, had established an individual retirement account pursuant to section 408 of the federal internal revenue code of 1954 as amended through December 31, 1980, this section is effective retroactively to the first day of the payroll period including January 1, 1980. Sections 18, 29, and 46 are effective on July 1, 1981. Sections 19 and 44 are effective on June 1, 1981. Section 20 is effective on January 1, 1982. Sections 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, and 43 are effective upon compliance with Minnesota Statutes, Section 645.021."

Amend the title as follows:

Page 1, delete lines 2 to 4 and insert:

"relating to retirement; various retirement funds; crediting service for vesting and benefit accrual purposes in the Minnesota demonstration job-sharing program; removing certain transitional provisions governing the fire state aid program; providing police state aid for municipalities which employ police officers with less than a full year of service; allowing disability benefit recipients to elect actuarially equivalent joint and survivor optional annuities; providing retirement coverage in the public employees retirement association for employees of the Range Association of Municipalities and Schools, the soil and water conservation districts and the Suburban Public Health Nursing Service, Incorporated; increasing the minimum salary requirement for inclusion in membership in the public employees retirement association; requiring various public pension plans to provide information on annuity forms to retiring members and notification to spouse of annuity form elected; authorizing certain former members of the Minneapolis municipal employees retirement fund to repay refund amounts under certain conditions; authorizing benefit increases for the Chisholm police relief association, the Chisholm firefighters relief association, the Eveleth police and firefighters retirement trust fund, the Thief River Falls police retirement trust fund, and the Buhl police relief association; specifying the investment authority of the St. Paul police relief association and the St. Paul firefighters relief association; amending Minnesota Statutes 1980, Sections 43.60, Subdivision 3; 69.011, Subdivisions 1 and 2; 69.021, Subdivisions 1, 2, 6 and 7; 69.031, Subdivision 5; 352.113, Subdivisions 3 and 12; 352.95, Subdivision 5 and by adding a subdivision; 352B.10; 352B.105; 353.01, Subdivisions 2a, 2b and 6; 353.33, Subdivision 11 and by adding a subdivision; 353.656, Subdivision 6 and by adding a subdivision; 354.48, Subdivision 10 and by adding a subdivision; 354A.36, Subdivision 10 and by adding a subdivision; Laws 1945, Chapter 74, Sections 2, as amended, 3 and 4, as amended; 1955, Chapters 151, Section 7, as amended; and 375, Section 12, as amended; 1961, Chapter 631, Section 1, as amended; 1974, Chapter 435, Section 3.03; 1977, Chapter 61, Section 6; and 1978, Chapter 689, Section 5; proposing new law coded in Minnesota Statutes, Chapters 43; 353; 356; and 422A; repealing Minnesota Statutes 1980, Section 353.022."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Stumpf from the Committee on Elections and Reapportionment, to which was referred

S. F. No. 1131: A bill for an act relating to elections; authorizing changing of certain precinct boundaries; amending Minnesota Statutes 1980, Section 204A.06, Subdivision 1.

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. 579 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
579	517				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 579 be amended as follows:

Page 2, line 20, delete "*and*"

Page 12, line 17, after "*1979*" insert a comma

Amend the title as follows:

Page 1, line 6, after "12" insert a comma

And when so amended H. F. No. 579 will be identical to S. F.No. 517, and further recommends that H. F. No. 579 be given its second reading and substituted for S. F. No. 517, 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. 624 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. NO.	S.F. No.	H.F. No.	S.F. No.
624	509				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 624 be amended as follows:

Page 2, line 11, strike "prior to this time" and before the comma insert ", *before conclusion of treatment*"

Page 2, line 11, after "inmate" strike "shall"

Page 2, line 12, strike "have" and insert "*has*"

Page 2, line 20, strike "thereon" and insert "*on the question*"

Page 2, line 25, strike "there has heretofore"

Page 2, line 26, strike everything before "the"

Page 2, line 28, after "corrections" insert "*obtains*"

Page 2, line 30, strike everything after "and"

Page 2, line 31, before "no" insert "*the chief executive officer knows*"

Page 2, line 31, strike everything after "entitled"

Page 2, line 32, strike "executive officer," and delete "*the*" and strike "money"

Page 2, line 35, after "~~facility~~" insert "*to it, the chief executive officer*" and after "*if*" insert "*the money is*"

Page 2, line 35, delete "*be deposited*" and insert "*deposit it*"

Page 3, line 1, strike "used" and insert "*deposited*" and strike "shall have" and insert "*has*"

Page 3, line 4, strike "shall"

Page 3, line 5, strike "they shall be" and insert "*the inmates or heirs are*"

Page 3, line 15, strike "exclusive of" and insert "*other than*"

Page 3, line 16, strike "there is" and insert "*the chief executive officer knows*" and strike "thereto"

Page 3, line 17, strike everything before the comma and insert "*to it*"

Page 3, line 35, strike "he" and insert "*the chief executive officer*" and strike "for payment"

Page 3, line 36, before the period insert "*for payment to the inmate or heirs*"

Page 4, delete lines 16 and 17 and insert "~~physical examination hereinafter provided for and has~~ *undergone a physical examination and has* been found to be free of"

Page 4, line 23, strike "moneys" and insert "*money*"

Page 5, lines 28 and 29, delete "*corrections' department*" and insert "*corrections department's*"

Page 6, line 21, strike "It shall be the duty of" and after "corrections" strike "to" and insert "*shall*"

Page 7, line 17, delete "*his*" and insert "*the commissioner's*"

Page 7, line 24, strike "such"

Page 8, delete lines 10 to 13 and insert:

"Every person who ~~shall abduct, conceal, entice, carry~~ *abducts, conceals, entices, carries* away, or improperly ~~interfere~~ *interferes* with, any inmate of ~~the~~ *a* Minnesota correctional ~~facility-Red Wing shall be~~ *facility for juveniles is* guilty of a misdemeanor."

Delete page 8, line 30 to page 10, line 13 and insert: "provided that:

(a) no ~~convict~~ *inmate* serving a life sentence for murder other than murder committed in violation of clause (1) of section 609.185 who has not been previously convicted of a felony shall be paroled until he has served 20 years, less the diminution which he would have been allowed for good conduct had his sentence been for 20 years; ~~and provided further that~~

(b) no ~~convict~~ *inmate* serving a life sentence for murder who has been previously convicted of a felony or though not previously convicted of a felony is serving a life sentence for murder in the first degree committed in violation of clause (1) of section 609.185 shall be paroled until he has served 25 years, less the diminution which would have been allowed for good conduct had his sentence been for 25 years; ~~provided further that~~

(c) any ~~convict~~ *inmate* sentenced prior to September 1, 1963 who would be eligible for parole had he been sentenced after September 1, 1963, shall be eligible for parole; ~~provided further,~~ *and*

(d) in all cases where ~~a convict~~ *an inmate* is serving a life sentence for murder, unanimous consent of the corrections board ~~shall be~~ *is* required for parole of ~~such convict~~ *the inmate*. Any new rule or policy or change thereof adopted by the board which has the effect of postponing eligibility for parole ~~shall have~~ *has* prospective effect only and ~~shall apply~~ *applies* only with respect to persons committing offenses after the effective date of the new rule or policy or change thereof. Upon being paroled and released, ~~such convicts shall be~~ *an inmate is* and ~~remain~~ *remains* in the legal custody and under the control of the corrections board, subject at any time to be returned to ~~the Minnesota correctional facility-Stillwater, the Minnesota correctional facility-St. Cloud, the Minnesota correctional facility-Shakopee, or other~~ *a* facility of the department of corrections established by law for the confinement or treatment of convicted persons and the parole rescinded by ~~such~~ *the* board, when the legal custody of ~~such convict shall revert~~ *the convicted person reverts* to the commissioner of corrections. The written order of the corrections board, certified by the chairman of the board, shall be sufficient to any peace officer or state parole and probation agent to retake and place in actual custody any person on parole to the corrections board, but any state parole and probation agent may, without order of warrant, when it appears ~~to him~~ necessary in order to prevent escape or enforce discipline, take and detain a parolee to the corrections board for its action. The written order of the commissioner of corrections ~~shall be~~ *is* sufficient to any peace officer or state parole and probation agent to retake and place in actual custody any person on probation under the supervision of the commissioner pursuant to section 609.135, but any state parole and probation agent may, without ~~such~~ *an* order, when it appears ~~to him~~ necessary in order to prevent escape or enforce discipline, retake and detain ~~such~~ *a* probationer and bring ~~him~~ *the probationer* before the court for further proceedings under section 609.14. Paroled persons, and those on probation under the supervision of the commissioner of corrections pursuant to section 609.135 may be placed within or without the boundaries of the state at the discretion of the board or of the commissioner of corrections, and the limits fixed for ~~such~~ *these* persons may be enlarged or reduced according to their conduct."

Page 10, line 15, strike "shall not be" and insert "*is not*"

Page 11, line 15, strike "shall have" and insert "*has*"

Page 11, line 17, strike "shall bring" and insert "*brings*" and strike "convey" and insert "*conveys*"

Page 11, line 19, strike "shall"

Page 11, line 20, strike "be" and insert "*is*"

Page 12, line 7, strike "whereby" and insert "*by which*"

Page 12, line 12, strike "should" and insert "*if*" and strike "be" and insert "*is*"

Page 12, line 13, strike "so as to become" and insert "*and becomes*"

Page 12, line 16, strike "thereof" and insert "*of inmates*" and strike "such other" and insert "*another*"

Page 12, lines 31 and 32, delete "*to effect the apprehension*" and insert "*to apprehend*"

Page 12, line 32, delete "*of*"

Page 13, line 5, strike "shall"

Page 13, line 6, strike "acquire" and insert "*acquires*"

Page 13, line 11, before "persons" strike "such"

Page 13, line 12, strike "shall be"

Page 13, line 23, strike "him" and insert "*the commissioner*"

Page 13, line 29, after "*shall*" insert "*also*"

Page 14, line 13, strike "hereunder" and insert "*under this section*"

Page 14, line 35, delete "*This act is*" and insert "*Sections 1 to 23 are*"

Amend the title as follows:

Page 1, line 10, delete "prescribing a penalty;"

And when so amended H. F. No. 624 will be identical to S. F. No. 509, and further recommends that H. F. No. 624 be given its second reading and substituted for S. F. No. 509, 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. 539, 305 and 1131 were read the second time.

SECOND READING OF HOUSE BILLS

H. F. Nos. 79, 579 and 624 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Pehler moved that the name of Mr. Frank be added as co-author to S. F. No. 783. The motion prevailed.

Mr. Spear moved that the name of Mrs. Stokowski be added as co-author to S. F. No. 817. The motion prevailed.

Mr. Vega moved that the names of Messrs. Penny and Nelson be added as co-authors to S. F. No. 1225. The motion prevailed.

CONSENT CALENDAR

S. F. No. 475: A bill for an act relating to courts; permitting all judicial districts except Hennepin county to set salaries of law clerks; clarifying employment status in every judicial district to be unclassified and without tenure; amending Minnesota Statutes 1980, Section 484.545, Subdivision 2, and by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 43 and nays 18, as follows:

Those who voted in the affirmative were:

Ashbach	Frank	Lantry	Peterson,R.W.	Stokowski
Bang	Frederick	Lessard	Petty	Stumpf
Belanger	Hanson	Lindgren	Pillsbury	Taylor
Berglin	Humphrey	Luther	Ramstad	Tennessen
Brataas	Keefe	Menning	Schmitz	Ulland
Chmielewski	Knoll	Merriam	Sieloff	Vega
Davies	Knutson	Moe, R. D.	Solon	Waldorf
Dieterich	Kroening	Nelson	Spear	
Engler	Langseth	Peterson,C.C.	Stern	

Those who voted in the negative were:

Benson	Davis	Kronebusch	Peterson,D.L.	Wegener
Berg	Dicklich	Olhoft	Purfeerst	Willet
Bernhagen	Frederickson	Pehler	Renneke	
Bertram	Johnson	Penny	Setzepfandt	

So the bill passed and its title was agreed to.

H. F. No. 1083: A bill for an act relating to charitable trusts; transferring responsibility of keeping certain records; amending Minnesota Statutes 1980, Sections 501.75; 501.76; 501.77; and 501.78, Subdivision 4.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Langseth	Peterson,D.L.	Stern
Bang	Engler	Lantry	Peterson,R.W.	Stokowski
Belanger	Frank	Lessard	Petty	Stumpf
Benson	Frederick	Lindgren	Pillsbury	Taylor
Berg	Frederickson	Luther	Purfeerst	Tennessen
Berglin	Hanson	Menning	Ramstad	Ulland
Bernhagen	Humphrey	Merriam	Renneke	Vega
Bertram	Johnson	Moe, R. D.	Rued	Waldorf
Brataas	Keefe	Nelson	Schmitz	Wegener
Chmielewski	Knoll	Olhoft	Setzepfandt	Willet
Davies	Knutson	Pehler	Sieloff	
Davis	Kroening	Penny	Solon	
Dicklich	Kronebusch	Peterson,C.C.	Spear	

So the bill passed and its title was agreed to.

SUSPENSION OF RULES

Mr. Moe, R. D. moved that the rules of the Senate be so far suspended as to waive the lie-over requirement on S. F. No. 692. The motion prevailed.

S. F. No. 692: A bill for an act relating to Ramsey County; stating positions in the unclassified county service; placing employees of the judicial district administrator's office in the unclassified service; amending Laws 1974, Chapter 435, Section 3.02, Subdivision 6, as amended.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 1, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Lantry	Petty	Stumpf
Bang	Engler	Lessard	Pillsbury	Taylor
Belanger	Frank	Lindgren	Purfeerst	Tennessen
Benson	Frederick	Luther	Ramstad	Ulland
Berg	Frederickson	Menning	Renneke	Vega
Berglin	Hanson	Merriam	Rued	Waldorf
Bernhagen	Humphrey	Moe, R. D.	Schmitz	Wegener
Bertram	Johnson	Nelson	Setzepfandt	Willet
Chmielewski	Keefe	Pehler	Sieloff	
Dahl	Knutson	Penny	Solon	
Davies	Kroening	Peterson,C.C.	Spear	
Davis	Kronebusch	Peterson,D.L.	Stern	
Dicklich	Langseth	Peterson,R.W.	Stokowski	

Mr. Olhoft voted in the negative.

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Kroening in the chair.

After some time spent therein, the committee arose, and Mr. Kroening reported that the committee had considered the following:

H. F. Nos. 339 and 521, which the committee recommends to pass.

S. F. No. 291, which the committee recommends to pass with the following amendment offered by Mr. Willet:

Page 2, line 13, strike everything after "section"

Page 2, line 14, strike everything before the period and insert "*is guilty of a petty misdemeanor*"

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "providing a penalty;"

The motion prevailed. So the amendment was adopted.

S. F. No. 302, which the committee reports progress, subject to the following motions:

Mr. Lessard moved to amend S.F. No. 302 as follows:

Page 2, after line 28, insert:

"*(e) The property is taken from a mercantile establishment and has a retail market value of more than $150; or*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 45 and nays 9, as follows:

Those who voted in the affirmative were:

Ashbach	Davis	Kroening	Olhoft	Rued
Bang	Engler	Kronebusch	Pehler	Schmitz
Belanger	Frank	Langseth	Penny	Setzepfandt
Benson	Frederick	Lantry	Peterson,C.C.	Sieloff
Berg	Frederickson	Lessard	Peterson,D.L.	Stokowski
Bernhagen	Hanson	Lindgren	Pillsbury	Taylor
Bertram	Johnson	Luther	Purfeerst	Ulland
Chmielewski	Keefe	Menning	Ramstad	Vega
Dahl	Knutson	Nelson	Renneke	Waldorf

Those who voted in the negative were:

Berglin	Dieterich	Merriam	Petty	Tennessen
Dicklich	Knoll	Peterson,R.W.	Spear	

The motion prevailed. So the amendment was adopted.

Mr. Peterson, D.L. moved to amend S.F. No. 302 as follows:

Pages 2 and 3, delete sections 2 and 3

Page 4, line 3, delete "*to 4*" and insert "*and 2*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete everything after the first semicolon

Page 1, line 7, delete "Subdivision 1;"

Mr. Merriam requested division of the amendment as follows:

First portion:

Pages 2 and 3, delete section 2

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 6, delete "609.52, Subdivision 3;"

Second portion:

Page 3, delete section 3

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, lines 6 and 7, delete "609.53, Subdivision 1;"

The question was taken on the adoption of the first portion of the Peterson, D. L. amendment.

The roll was called, and there were yeas 43 and nays 13, as follows:

Those who voted in the affirmative were:

Ashbach	Davis	Langseth	Peterson,C.C.	Stokowski
Bang	Engler	Lantry	Peterson,D.L.	Stumpf
Belanger	Frank	Lessard	Petty	Taylor
Benson	Frederick	Lindgren	Purfeerst	Ulland
Berg	Frederickson	Luther	Ramstad	Vega
Bernhagen	Keefe	Menning	Renneke	Waldorf
Bertram	Knutson	Merriam	Rued	Wegener
Chmielewski	Kroening	Pehler	Sieloff	
Dahl	Kronebusch	Penny	Solon	

Those who voted in the negative were:

Davies	Hanson	Olhoft	Schmitz	Willet
Dicklich	Humphrey	Peterson,R.W.	Setzepfandt	
Dieterich	Nelson	Pillsbury	Spear	

The motion prevailed. So the first portion of the amendment was adopted.

The question was taken on the adoption of the second portion of the Peterson, D. L. amendment.

The roll was called, and there were yeas 45 and nays 10, as follows:

Those who voted in the affirmative were:

Ashbach	Davis	Kronebusch	Peterson,C.C.	Solon
Bang	Engler	Langseth	Peterson,D.L.	Stokowski
Belanger	Frank	Lantry	Pillsbury	Stumpf
Benson	Frederick	Lessard	Purfeerst	Taylor
Berg	Frederickson	Lindgren	Ramstad	Ulland
Berglin	Humphrey	Luther	Renneke	Vega
Bernhagen	Keefe	Menning	Rued	Waldorf
Bertram	Knutson	Pehler	Setzepfandt	Wegener
Dahl	Kroening	Penny	Sieloff	Willet

Those who voted in the negative were:

Chmielewski	Dicklich	Merriam	Peterson,R.W.	Schmitz
Davies	Dieterich	Olhoft	Petty	Spear

The motion prevailed. So the second portion of the amendment was adopted.

S. F. No. 302 was then progressed.

S. F. No. 560, which the committee recomends to pass, after the following motion:

The question was taken on the recommendation to pass S. F. No. 560.

The roll was called, and there were yeas 47 and nays 14, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Kronebusch	Penny	Stern
Belanger	Engler	Langseth	Peterson,C.C.	Stumpf
Benson	Frank	Lantry	Peterson,D.L.	Taylor
Berg	Frederick	Lessard	Peterson,R.W.	Ulland
Bernhagen	Frederickson	Luther	Ramstad	Vega
Bertram	Hanson	Menning	Renneke	Wegener
Brataas	Hughes	Merriam	Rued	Willet
Dahl	Humphrey	Nelson	Schmitz	
Davies	Keefe	Olhoft	Setzepfandt	
Davis	Knutson	Pehler	Sieloff	

Those who voted in the negative were:

Berglin	Knoll	Moe, R. D.	Solon	Tennessen
Dicklich	Kroening	Petty	Spear	Waldorf
Johnson	Lindgren	Pillsbury	Stokowski	

The motion prevailed. So S. F. No. 560 was recommended to pass.

On motion of Mr. Kroening, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Mr. Chmielewski introduced—

S.F. No. 1268: A bill for an act relating to education; requiring schools to offer certain subjects; exempting nonpublic schools from the requirement of offering certain subjects; requiring classroom teachers in nonpublic schools to be licensed; excluding licensed nonpublic school teachers from certain duties and benefits; requiring nonpublic schools to report certain information to school district superintendents; providing additional remedies to enforce the compulsory attendance laws; prohibiting the state board of education from promulgating rules pursuant to this act; amending Minnesota Statutes 1980, Sections 120.10, Subdivision 2; 120.12, Subdivisions 2 and 3; 125.03, Subdivision 1, and by adding a subdivision; and 125.04; proposing new law coded in Minnesota Statutes, Chapter 120.

Referred to the Committee on Education.

Mr. Willet introduced—

S.F. No. 1269: A bill for an act relating to agriculture; consolidating existing laws; providing for agricultural commodity research and promotion councils; establishing procedures; providing penalties; amending Minnesota Statutes 1980, Sections 17.53; 17.54; 17.56; 17.57; 17.58; 17.59; 17.60; 17.62; 17.63; 17.64; and 17.67; repealing Minnesota Statutes 1980, Sections 17.55; 17.601; 17.65; 17.68; 21A.01 to 21A.19; 29.14 to 29.19; 30.461 to 30.479; and 32B.01 to 32B.13.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Hanson introduced—

S.F. No. 1270: A resolution memorializing the Peace Corps in recognition of the outstanding achievements of Peace Corps volunteers from Minnesota on the occasion of the Peace Corps' 20th anniversary.

Referred to the Committee on Rules and Administration.

Mr. Peterson, R.W. introduced—

S.F. No. 1271: A bill for an act relating to the city of East Bethel, Anoka County; changing the application of urban district in the Minnesota highway traffic regulation act.

Referred to the Committee on Transportation.

Mr. Langseth introduced—

S.F. No. 1272: A bill for an act relating to public employees; permitting public employers to require their employees to have a state residence; proposing new law coded in Minnesota Statutes, Chapter 179.

Referred to the Committee on Public Employees and Pensions.

Mr. Langseth introduced—

S.F. No. 1273: A bill for an act relating to taxation; income; increasing the amount of non-farm income which can be used to offset farm expenses and losses; amending Minnesota Statutes 1980, Section 290.09, Subdivision 29.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Spear; Peterson, C.C.; Stumpf; Renneke and Mrs. Lantry introduced—

S.F. No. 1274: A bill for an act relating to employees and officials of the state; hospital and medical benefits for retired or disabled state officials and employees; amending Minnesota Statutes 1980, Section 471.61, Subdivision 2a.

Referred to the Committee on Public Employees and Pensions.

Mr. Frederick introduced—

S.F. No. 1275: A bill for an act relating to transportation; providing for the repair of impassable town roads; establishing a dollar limit per mile for work performed by a county on impassable town roads; amending Minnesota Statutes 1980, Section 163.16, Subdivision 3.

Referred to the Committee on Transportation.

Messrs. Frederick and Belanger introduced—

S.F. No. 1276: A bill for an act relating to transportation; providing for the maintenance of the trunk highway system by certain counties pursuant to contract with the commissioner of transportation; defining terms; amending Minnesota Statutes 1980, Section 161.32, Subdivisions 1 and 2; proposing new law coded in Minnesota Statutes, Chapter 161; repealing Minnesota Statutes 1980, Section 161.32, Subdivision 4.

Referred to the Committee on Transportation.

Messrs. Merriam and Peterson, R.W. introduced—

S.F. No. 1277: A bill for an act relating to mobile homes; regulating lot rentals; specifying conditions on which a lessor may recover possession of land upon which a mobile home is located; amending Minnesota Statutes 1980, Section 327.44.

Referred to the Committee on Judiciary.

Mr. Schmitz introduced—

S.F. No. 1278: A bill for an act relating to elections; providing for special

elections to fill vacancies in statutory city offices; amending Minnesota Statutes 1980, Sections 205.10; 205.17, by adding a subdivision; and 412.02, Subdivision 2, and by adding a subdivision.

Referred to the Committee on Elections and Reapportionment.

Mr. Knutson introduced—

S.F. No. 1279: A bill for an act relating to costs and attorney fees; providing for recovery of costs and attorney fees by prevailing parties in civil actions against the state and administrative contested cases; proposing new law coded in Minnesota Statutes, Chapters 3 and 15.

Referred to the Committee on Judiciary.

Messrs. Knutson and Pillsbury introduced—

S.F. No. 1280: A bill for an act relating to public welfare; increasing the time period during which certain transfers of property by persons seeking medical assistance will result in their ineligibility for assistance; amending Minnesota Statutes 1980, Section 256B.17.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Chmielewski introduced—

S.F. No. 1281: A bill for an act relating to employment; establishing a state employment and training program; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 268.

Referred to the Committee on Employment.

Messrs. Knutson, Schmitz and Belanger introduced—

S.F. No. 1282: A bill for an act relating to metropolitan revenue distribution; changing the determination of contributions to the area-wide tax base; amending Minnesota Statutes 1980, Section 473F.06.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Davis, Bernhagen, Hanson, Engler and Bertram introduced—

S.F. No. 1283: A bill for an act relating to soil conservation; providing a state paid property tax credit to agricultural property owners who carry out and maintain approved soil conservation practices under agreements with soil and water conservation districts; appropriating money; amending Minnesota Statutes 1980, Section 40.07, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 273.

Referred to the Committee on Agriculture and Natural Resources.

Mrs. Stokowski introduced—

S.F. No. 1284: A bill for an act relating to health; exempting students in schools of dental assisting from the requirement of a dental license; amending

Minnesota Statutes 1980, Section 150A.05, Subdivision 2.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Olhoft introduced—

S.F. No. 1285: A bill for an act establishing at the Fergus Falls State Hospital a domiciliary home for veterans; correcting obsolete provisions in the law relating to the location of state hospitals; authorizing issuance of state bonds; appropriating money; amending Minnesota Statutes 1980, Section 253.015; proposing new law coded in Minnesota Statutes, Chapter 198.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Pehler, Johnson, Frederick, Ulland and Setzepfandt introduced—

S.F. No. 1286: A bill for an act relating to local government; defining state mandated services and standards; providing for a definition of state initiated mandates; providing for a listing and estimate of state mandated costs and a procedure for reimbursement of these costs; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 275.

Referred to the Committee on Taxes and Tax Laws.

Mr. Hughes introduced—

S.F. No. 1287: A bill for an act relating to education; extending due dates for plans and reports relating to the statewide education management information system; authorizing the state board to perform certain duties according to specified criteria in the absence of rules; amending Minnesota Statutes 1980, Sections 121.931, Subdivisions 3, 4 and 7; and 121.938, Subdivision 2.

Referred to the Committee on Education.

Messrs. Hanson; Langseth; Penny; Moe, R.D. and Peterson, C. C. introduced—

S.F. No. 1288: A bill for an act relating to agriculture; creating a family farm finance agency; authorizing the agency to issue debt obligations and to make loans for the acquisition of farm land; transferring the family farm security program to the agency; appropriating money; amending Minnesota Statutes 1980, Sections 41.51; 41.52, Subdivisions 1, 5, 8, 9 and 10, and by adding subdivisions; 41.54, Subdivision 4; 41.55; 41.56; 41.57; 41.58; 41.59, Subdivisions 1 and 2; and 41.60; proposing new law coded in Minnesota Statutes, Chapter 41; repealing Minnesota Statutes 1980, Section 41.53.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Willet and Ashbach introduced—

S.F. No. 1289: A bill for an act relating to state government; providing for deficiencies in and supplementing appropriations for the expenses of state government; appropriating money.

Referred to the Committee on Finance.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Monday, April 13, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRTY-THIRD DAY

St. Paul, Minnesota, Monday, April 13, 1981

The Senate met at 11:00 a.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Dr. Richard Vogeley.

The roll was called, and the following Senators answered to their names:

Ashbach	Dieterich	Langseth	Peterson, C.C.	Spear
Bang	Engler	Lantry	Peterson, D.L.	Stern
Belanger	Frank	Lessard	Peterson, R.W.	Stokowski
Benson	Frederick	Lindgren	Petty	Stumpf
Berg	Frederickson	Luther	Pillsbury	Taylor
Bernhagen	Hughes	Menning	Purfeerst	Tennessen
Bertram	Humphrey	Merriam	Ramstad	Ulland
Brataas	Johnson	Moe, D.M.	Renneke	Vega
Chmielewski	Keefe	Moe, R.D.	Rued	Waldorf
Dahl	Knoll	Nelson	Schmitz	Wegener
Davies	Knutson	Olhoft	Setzepfandt	Willet
Davis	Kroening	Pehler	Sikorski	
Dicklich	Kronebusch	Penny	Solon	

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

Ms. Berglin, Messrs. Hanson and Sieloff were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

April 8, 1981

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

The Honorable Jack Davies
President of the Senate

I have the honor to inform you that the following enrolled Act of the 1981 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1981	Date Filed 1981
345		22	April 8	April 8

Sincerely,

Joan Anderson Growe
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 354: A bill for an act relating to taxation; modifying estate tax provisions; clarifying certain deductions; updating references to internal revenue code; clarifying the method of computing credits; clarifying exemptions and exclusions; providing for a statute of limitations; eliminating obsolete references; providing disclosure of data to certain persons; clarifying recording procedures; amending Minnesota Statutes 1980, Sections 290.01, Subdivision 20; 291.005, Subdivision 1; 291.03, Subdivision 1; 291.05; 291.065; 291.07, Subdivision 1; 291.08; 291.09, Subdivision 3a; 291.31, Subdivision 1; 291.48; and 600.21.

Senate File No. 354 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 9, 1981

Mr. Moe, R.D. moved that S. F. No. 354 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the adoption by the House of the following House Concurrent Resolution, herewith transmitted:

House Concurrent Resolution No. 1: A House concurrent resolution expressing the appreciation of Minnesotans in this day of renewed patriotism to all Vietnam War veterans for their services to the people of the State of Minnesota; and encouraging local demonstrations to engender proper recognition of Vietnam veterans.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 10, 1981

Referred to the Committee on Veterans' Affairs.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 90, 386, 473, 875, 921, 972,

407, 606, 731 and 1321.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 9, 1981

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H. F. No. 90: A bill for an act relating to administrative rules; clarifying which rules have the force of law; amending Minnesota Statutes 1980, Section 15.0413, Subdivision 1, and by adding subdivisions.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 258, now on General Orders.

H. F. No. 386: A bill for an act relating to the city of St. Paul; authorizing issuance of general obligation bonds for capital improvements; fixing amounts; amending Laws 1971, Chapter 773, Section 1, as amended; and Laws 1978, Chapter 788, Section 5.

Referred to the Committee on Taxes and Tax Laws.

H. F. No. 473: A bill for an act relating to energy; establishing rates and conditions of service for cogenerators and small power producers; proposing new law coded in Minnesota Statutes, Chapter 216B.

Referred to the Committee on Commerce.

H. F. No. 875: A bill for an act relating to local government; permitting Murray county and the city of Slayton to make joint powers agreements for the administration of county ditches.

Referred to the Committee on Agriculture and Natural Resources.

H. F. No. 921: A bill for an act relating to motor vehicles; adjusting bond provisions for dealers; requiring bonds for motorized bicycle dealers; amending Minnesota Statutes 1980, Section 168.27, Subdivision 24.

Referred to the Committee on Commerce.

H. F. No. 972: A bill for an act relating to financial institutions; increasing the percentage of capital and surplus a bank or trust company may invest in the stock of certain banks or bank holding companies; amending Minnesota Statutes 1980, Section 48.61, Subdivision 3.

Referred to the Committee on Commerce.

H. F. No. 407: A bill for an act relating to insurance; modifying the definition of a covered claim for purposes of the state's insurance guaranty association act; amending Minnesota Statutes 1980, Section 60C.09, Subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 726, now on General Orders.

H. F. No. 606: A bill for an act relating to highway traffic regulations;

specifying minimum property damage accident report requirements; making the report available to state agencies; amending Minnesota Statutes 1980, Section 169.09, Subdivisions 7 and 13.

Referred to the Committee on Transportation.

H. F. No. 731: A bill for an act relating to family; providing for solemnization of marriages by certain court officers; amending Minnesota Statutes 1980, Section 517.04.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 707, now on General Orders.

H. F. No. 1321: A resolution memorializing the Peace Corps in recognition of the outstanding achievements of Peace Corps volunteers from Minnesota on the occasion of the Peace Corps' 20th anniversary.

Referred to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Wegener from the Committee on Local Government and Urban Affairs, to which was referred

S. F. No. 738: A bill for an act relating to metropolitan government; revising the metropolitan agricultural preserves act; amending Minnesota Statutes 1980, Sections 473H.02, Subdivisions 2 and 3; 473H.04, Subdivisions 1 and 2; 473H.05, Subdivision 1, and by adding a subdivision; 473H.06, Subdivisions 1, 2 and 5; 473H.08, Subdivision 4; 473H.09; 473H.14; 473H.15, by adding a subdivision; and 473H.16, Subdivision 3; proposing new law coded in Minnesota Statutes, Chapter 473H.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 25, insert:

"Sec. 3. Minnesota Statutes 1980, Section 473H.02, is amended by adding a subdivision to read:

Subd. 11. "County recorder" means registrar of titles for the purposes of registered property."

Page 5, line 32, delete "*township*" and insert "*town*"

Page 7, after line 7, insert:

"Sec. 18. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after "and 3" insert ", and by adding a subdivision"

And when so amended the bill do pass. Amendments adopted. Report

adopted.

Mr. Wegener from the Committee on Local Government and Urban Affairs, to which was referred

S. F. No. 1140: A bill for an act relating to statutory cities; raising the limitation on city contracts which the city manager may make; amending Minnesota Statutes 1980, Section 412.691.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Wegener from the Committee on Local Government and Urban Affairs, to which was referred

S. F. No. 782: A bill for an act relating to St. Louis county; revising the county civil service law; providing for commissioners' pay, provisional appointments, employment of resignees, and treatment of examination errors; amending Laws 1941, Chapter 423, Sections 2, as amended, 5, as amended, 11, 12, and 17.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Stumpf from the Committee on Elections and Reapportionment, to which was referred

S. F. No. 1045: A bill for an act relating to elections; providing for preparation of consolidated primary election ballots by counties at state expense; appropriating money; amending Minnesota Statutes 1980, Section 203A.23, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 1, after the dollar sign, insert "*213,180*"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Stumpf from the Committee on Elections and Reapportionment, to which was referred

S. F. No. 1064: A bill for an act relating to crimes; changing certain penalties and enforcement procedures in the fair campaign practices act; amending Minnesota Statutes 1980, Sections 210A.37 and 210A.42.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1980, Section 210A.05, is amended by adding a subdivision to read:

Subd. 3. Any person violating the provisions of this section is guilty of a petty misdemeanor."

Page 1, line 18, delete "*may*" and insert "*shall, except for an alleged violation of section 210A.05,*"

Page 1, line 19, reinstate "If any county"

Page 1, reinstate lines 20 to 25

Page 2, reinstate lines 1 to 14

Page 2, delete section 2

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after "Sections" insert "210A.05, by adding a subdivision; and"

Page 1, line 5, delete "and 210A.42"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Stumpf from the Committee on Elections and Reapportionment, to which was referred

S. F. No. 1058: A bill for an act relating to elections; authorizing the validation of absentee ballots by judges of absentee ballot precincts; amending Minnesota Statutes 1980, Sections 207.11, Subdivisions 1 and 5; and 207.30, Subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 1980, Section 207.09, Subdivision 2, is amended to read:

Subd. 2. [DELIVERY BY AUDITOR AND TOWN AND CITY CLERKS.] On the day before election day the county auditor shall deliver to the town and city clerks within his county the applications theretofore received and endorsed by him. The town and city clerks shall in turn deliver those endorsed applications together with the applications filed with their respective offices to the respective judges of the several precincts *or the judges of an absentee ballot precinct* ."

Page 2, after line 21, insert:

"Sec. 5. Minnesota Statutes 1980, Section 207.30, is amended by adding a subdivision to read:

Subd. 3a. [DUPLICATE REGISTRATION FILES.] *If the election board of an absentee ballot precinct is authorized to receive, examine, and validate absentee ballots, the county auditor or city clerk shall remove from the duplicate registration files the cards of all persons who have applied for absentee ballots at the election and deliver them to the election board of the absentee ballot precinct along with the applications for absentee ballots. When a duplicate registration card has been removed from the file for this purpose it shall be replaced with a notification to the election judges that that voter's card has been removed and directing them to contact the election board of the absentee ballot precinct if that voter should present himself at the polling place for the purpose of casting his vote in person. If contacted by the judges of the precinct, the election board of the absentee ballot precinct shall examine the duplicate registration card of the voter to determine if his absentee ballot has been cast.*

They shall notify the precinct election judges of their findings and, if the absentee ballot has not yet been cast, the voter shall be allowed to cast his vote in person. The election board of the absentee ballot precinct shall make a notation on the duplicate registration card that the voter has voted and no absentee ballot shall be counted for that voter.''

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert ''providing for notice to election judges in an absentee ballot precinct;''

Page 1, line 4, after ''Sections'' insert ''207.09, Subdivision 2;''

Page 1, line 6, before the period, insert '', and by adding a subdivision''

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Veterans' Affairs, to which was re-referred

H. F. No. 483: A bill for an act relating to Ramsey county, providing for the administration of the soldiers' rest; amending Laws 1974, Chapter 435, Section 1.0212.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Schmitz from the Committee on Veterans' Affairs, to which was referred

S. F. No. 1122: A bill for an act relating to veterans; changing the method of appointment of the administrator of its Minnesota veterans home; amending Minnesota Statutes 1980, Section 198.06

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, after ''DUTIES'' insert ''; *TERMINATION*''

Page 1, line 14, delete ''*The*''

Page 1, lines 15 to 17, delete the new language

Page 1, line 18, delete ''*heard.*'' and insert ''*The administrator's term of service may be terminated by the commissioner upon service by certified mail of written notice setting forth the grounds for the termination. The termination shall be effective immediately upon receipt of the written notice. The administrator may submit to the commissioner, within 30 days after receipt of the written termination notice, a written request for hearing before a state hearing examiner to determine the adequacy of the stated grounds for the termination. The hearing shall be held within 30 days of receipt of the administrator's request and shall be conducted in accordance with Minnesota Statutes, Chapter 15, except that neither the administrator nor the commissioner shall have a right to judicial review of the hearing examiner's decision. If the hearing examiner finds that insufficient grounds exist for the termination, the administrator shall be ordered reinstated with full salary and benefits from the date of termination to the date of reinstatement.*''

Page 1, line 21, after the period, insert "*The commissioner, whenever he deems it practicable, shall appoint an administrator who is a veteran as defined under section 197.447.*"

Amend the title as follows:

Page 1, line 3, after "appointment" insert "and termination"

Page 1, line 3, delete "its" and insert "the"

Page 1, line 5, after "198.06" insert a period

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 685: A bill for an act relating to health; creating an office for prevention of problems related to use of drugs and alcohol; appropriating money; amending Minnesota Statutes 1980, Sections 254A.03, by adding a subdivision; and 254A.10.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, delete "*There is created within*"

Page 1, line 11, delete "*an office of prevention*" and insert "*is directed*"

Page 1, line 15, delete "*office*" and insert "*function*"

Page 1, line 17, delete "*office shall*" and insert " *responsibilities of the director shall be to*"

Page 1, line 18, after "*activities*" insert ", *planning,*"

Page 1, delete lines 21 to 25

Page 2, line 1, delete "*(c)*" and insert "*(b)*"

Page 2, line 4, delete "*(d)*" and insert "*(c)*"

Page 2, line 6, delete "*(e)*" and insert "*(d)*"

Page 2, line 9, after the semicolon, insert "*and*"

Page 2, delete lines 10 to 17

Page 2, line 18, delete "*(h)*" and insert "*(e)*"

Page 2, line 18, delete "*Regularly*" and after "*report*" insert "*annually*" and after "*governor*" insert "*and the legislature*"

Page 2, line 19, before the period, insert "*and to report by December 31, 1984, to the legislature on the need for continuation of this function*"

Page 2, delete section 2

Page 2, line 29, delete "*$770,000*" and insert "*$570,000*"

Page 2, line 30, delete "*$200,000*" and insert "*$100,000*"

Page 2, line 35, after the period, insert "*The approved complement of the department of corrections is increased by one professional position and one-*

half clerical position for the purposes of section 1."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon and insert "providing for coordination and support of efforts to prevent"

Page 1, line 3, before "problems" delete "of" and after "to" insert "the"

Page 1, line 5, delete "Sections" and insert "Section" and delete "; and 254A.10"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 886: A bill for an act relating to health; prohibiting disciplinary action against a physician who administers dimethyl sulfoxide under certain conditions; proposing new law coded in Minnesota Statutes, Chapter 147.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 20, delete "*cure*" and insert "*benefit*"

Page 1, after line 23, insert:

"*The patient, when presenting a prescription to a pharmacist for dimethyl sulfoxide (DMSO) shall sign a written release that releases the pharmacist and the pharmacy from any liability therefor.*"

Page 2, delete lines 4 to 7 and insert:

"Sec. 2. [151.41] [SALE OF DIMETHYL SULFOXIDE.]

Subdivision 1. [BOND.] *Any person not licensed or registered by the board of pharmacy pursuant to sections 151.01 to 151.40 and this section, as a pharmacist or pharmacy, selling or offering for sale at retail in Minnesota dimethyl sulfoxide in quantities of 64 fluid ounces or less shall file with the commissioner of health a bond with corporate surety, cash, or United States government bonds in the sum of $15,000, made payable to the state of Minnesota.*

Subd. 2. [EXEMPT SALES.] *Provisions of this section shall not apply to legend drugs as defined in section 151.01, subdivision 17; to industrial dimethyl sulfoxide designed for use as a commercial cleaner or solvent and sold in quantities larger than 64 fluid ounces; or to dimethyl sulfoxide intended for veterinary medicine use.*

Subd. 3. [LABELING REQUIREMENTS.] *Except when dispensed upon the prescription of a physician, no container of dimethyl sulfoxide containing 64 fluid ounces or less shall be sold or offered for sale unless the labeling states at least the following:*

(a) quantity;

(b) concentration of product;

(c) vehicle or diluent;

(d) indications for use approved by the food and drug administration of the United States department of health and human services;

(e) recommended dosages;

(f) statement of side effects;

(g) contraindications for use;

(h) antidote in case of accidental ingestion;

(i) name of the manufacturer.

Failure to comply with these requirements shall mean the drug is deemed to be misbranded.

Subd. 4. [VIOLATION.] *Violation of this section shall result in forfeiture of the bond and subject the product to embargo under section 151.38.*''

Page 2, line 9, delete ''*This act is*'' and insert ''*Sections 1 and 2 are*''

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert ''regulating the sale of dimethyl sulfoxide;''

Page 1, line 5, delete ''Chapter 147'' and insert ''Chapters 147 and 151''

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 1026: A bill for an act relating to public welfare; providing for alternatives to nursing home care in counties with preadmission screening; appropriating money; amending Minnesota Statutes 1980, Section 256B.091.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 19, after ''*available*'' insert ''*at that time in the county*'' and after the period insert ''*Grants may be used for payment of costs of providing services such as, but not limited to, foster care for elderly persons, day care whether or not offered through a nursing home, nutritional counseling, or medical social services, which services are provided by a licensed health care provider, a home health service eligible for reimbursement under Titles XVIII and XIX of the federal Social Security Act, or by persons employed by or contracted with by the county board or the local welfare agency.*''

Page 1, line 19, after ''*county*'' insert ''*agency*''

Page 1, line 24, after ''*county*'' insert ''*agency*''

Page 1, line 25, after ''*available*'' insert ''*at that time*''

Page 2, line 5, after ''*share*'' insert '', *unless the commissioner obtains a federal waiver for medical assistance payments,*''

Page 2, line 8, before ''*Each*'' insert ''*A county agency may use grant*

money to supplement but not supplant services available through other public assistance or service programs and shall not use grant money to establish new programs for which public money is available through sources other than grants provided under this subdivision."

Page 2, line 8, after "*county*" insert "*agency*"

Page 2, line 9, delete "*25*" and insert "*10*"

Page 2, line 10, delete "*from*" and insert "*for*"

Amend the title as follows:

Page 1, line 5, before the period insert ", by adding a subdivision"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 287: A bill for an act relating to health; prescribing procedures for notification of parents, guardians, and conservators prior to performing abortions on certain persons; providing a penalty; amending Minnesota Statutes 1980, Section 144.343.

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 1980, Section 144.343, is amended to read:

144.343 [PREGNANCY, VENEREAL DISEASE AND ALCOHOL OR DRUG ABUSE.]

Subdivision 1. [MINOR'S CONSENT VALID.] Any minor may give effective consent for medical, mental and other health services to determine the presence of or to treat pregnancy and conditions associated therewith, venereal disease, alcohol and other drug abuse, and the consent of no other person is required.

Subd. 2. [NOTIFICATION CONCERNING ABORTION.] *No abortion operation shall be performed upon a minor or upon a woman for whom a guardian or conservator has been appointed pursuant to sections 525.54 to 525.551 because of a finding of incompetency, until at least 48 hours after written notice of the pending operation has been delivered in the manner specified in subdivisions 2 to 4.*

(a) If the pregnant woman is unmarried and is living with her parent, the notice shall either be delivered personally to her parent and the putative father's parent or be delivered to the parents' usual places of abode and left with a person of suitable age and discretion residing therein other than the pregnant woman or the putative father.

(b) If the pregnant woman is unmarried and is not living with her parent, the notice shall either be delivered personally to her parent and the putative father's parent or be delivered to the parents' usual places of abode and left with a person of suitable age and discretion residing therein.

In lieu of the delivery required by clauses (a) and (b), notice may be made by

certified mail receipted for by the persons specified for delivery in clauses (a) and (b).

Subd. 3. [PARENT; DEFINITION.] *For purposes of this section, "parent" means both parents of the pregnant woman, or both parents of the putative father, as applicable, if they are both living, one parent of the pregnant woman, or one parent of the putative father, as applicable, if only one is living or if the second one cannot be located through reasonably diligent effort, or the guardian or conservator, if the pregnant woman, or the putative father, as applicable, has one.*

Subd. 4. [LIMITATIONS.] *No notice shall be required under this section if:*

(a) The attending physician certifies in the pregnant woman's medical record that the abortion is necessary to prevent the woman's death and there is insufficient time for providing the required notice; or

(b) The abortion is authorized in writing by the person or persons who are entitled to notice; or

(c) The pregnant minor woman declares that she is a victim of sexual abuse, neglect, or physical abuse as defined in section 626.556. Notice of that declaration shall be made to the proper authorities as provided in section 626.556, subdivision 3.

Subd. 5. [PENALTY.] *Performance of an abortion in violation of this section shall be a misdemeanor and shall be grounds for a civil action by a person wrongfully denied notification. A person shall not be held liable for failure to deliver required notice if the person relied in good faith upon the representations of the pregnant woman regarding information necessary to deliver notice as required by this section or if the person has attempted with reasonable diligence to deliver notice but has been unable to do so."*

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 834: A bill for an act relating to health; changing eligibility requirements for catastrophic health expense protection; including insurance premiums; appropriating money; amending Minnesota Statutes 1980, Sections 62E.52, Subdivision 2; 62E.53, Subdivisions 1 and 2; and 62E.531, Subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 25, insert:

"Sec. 2. Minnesota Statutes 1980, Section 62E.52, Subdivision 3, is amended to read:

Subd. 3. "Qualified expense" means any charge incurred ~~subsequent to July 1, 1977~~ *within 18 months prior to application for coverage under sections 62E.51 to 62E.55* for a health service which is included in the list of covered services described in section 62E.06, subdivision 1, and for which no third party is liable."

Page 2, line 9, delete "*an*" and insert "*any*"

Page 2, line 11, delete "Minnnsota" and insert "Minnesota"

Page 2, line 15, reinstate the stricken language

Page 3, line 12, delete "*$20,000,000*" and insert " *$12,000,000*"

Page 3, line 14, delete "*4*" and insert "*5*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "Subdivision" and insert "Subdivisions 2 and"

Page 1, line 6, delete the first "2" and insert "3"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 775: A bill for an act relating to health; providing for home health services through the community health services act; changing certain funding formulas; appropriating money; amending Minnesota Statutes 1980, Sections 144A.51, by adding a subdivision; 144A.52, Subdivision 3; 144A.53; 144A.54, Subdivision 1; 145.913, by adding a subdivision; 145.914, Subdivision 2; 145.915, by adding a subdivision; 145.918, by adding a subdivision; 145.919; 145.921; and 145.95, Subdivision 5.

Reports the same back with the recommendation that the bill be amended as follows:

Page 10, line 8, strike "expires" and insert "*is repealed effective*"

Page 10, line 14, delete "*$1,000,000*" and insert " *$3,000,000*"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 1011: A bill for an act relating to health; proposing a population-based, statewide cancer and birth defects surveillance system; establishing an advisory task force; designing a system and pilot test; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 8, delete "[LEGISLATIVE FINDINGS.]" and insert "[144.659] [CANCER AND BIRTH DEFECTS SURVEILLANCE SYSTEM.]"

Page 1, line 9, before "*Cancer*" insert "*Subdivision 1.* [LEGISLATIVE FINDINGS.]"

Page 1, line 15, delete "Sec. 2." and insert "*Subd. 2.*"

Page 2, line 9, delete "Sec. 3." and insert "*Subd. 3.*"

Page 2, line 13, delete "*concerns*" and insert " *representatives*"

Page 2, line 17, delete "Sec. 4." and insert "*Subd. 4.*"

Page 2, line 31, delete "Sec. 5" and insert "Sec. 2"

Page 2, line 35, delete "2" and insert "*1, subdivision 2,*"

Page 2, line 36, delete "2" and insert "*1, subdivision 2*"

Amend the title as follows:

Page 1, line 5, before the period insert "; proposing new law coded in Minnesota Statutes, Chapter 144"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Humphrey from the Committee on Energy and Housing, to which was referred

S. F. No. 562: A bill for an act relating to housing; providing statutory warranties on home improvement work; establishing a cause of action for breach of warranty; providing remedies; amending Minnesota Statutes 1980, Sections 327A.01, Subdivisions 5, 8 and by adding subdivisions; 327A.02, by adding a subdivision; 327A.03; 327A.04, Subdivision 2; 327A.05; and 327A.07.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 36, after the semicolon, insert "*or*"

Page 3, line 4, delete "*and*" and insert "*or*"

Page 4, line 18, strike the period and insert a semicolon

Page 4, after line 18, insert:

"*(p) In the case of home improvement work, loss or damage due to defects in the existing structure and systems not caused by the home improvement.*"

Page 5, after line 30, insert:

"Sec. 11. [327A.08] [LIMITATIONS.]

Notwithstanding any other provision of sections 1 to 10:

(a) The terms of the home improvement warranties required by sections 1 to 10 commence upon completion of the home improvement and the term shall not be required to be renewed or extended if the home improvement contractor performs additional improvements required by warranty;

(b) The home improvement warranties required by sections 1 to 10 shall not include products or materials installed that are already covered by implied or written warranty; and

(c) The home improvement warranties required by sections 1 to 10 are intended to be implied warranties imposing an affirmative obligation upon home improvement contractors, and sections 1 to 10 do not require that written warranty instruments be created and conveyed to the owner."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, before the period, insert "; proposing new law coded in Minnesota Statutes, Chapter 327A"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Humphrey from the Committee on Energy and Housing, to which was referred

H. F. No. 98: A bill for an act relating to energy; amending certain provisions for home energy disclosure reports; amending Minnesota Statutes 1980, Section 116H.129, Subdivisions 1, 2, 5, 6, and 7.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, strike "promulgate" and delete "*or*"

Page 2, line 25, reinstate the stricken language and delete "*any prospective*"

Page 3, line 6, strike "promulgate" and delete "*or*"

Page 3, line 25, strike "establish" and delete "*or*"

Page 4, line 19, strike "constructed before January, 1976,"

Page 4, line 20, reinstate the stricken language and delete "*any prospective*"

Page 4, line 22, delete "*prospective*"

Page 5, line 9, delete "*shall expire on*" and insert "*are repealed effective*"

Page 5, delete line 10 and insert a period

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Humphrey from the Committee on Energy and Housing, to which was referred

S. F. No. 368: A bill for an act relating to housing; requiring municipal housing plans to incorporate policies to minimize displacement and encourage citizen participation; establishing maximum downpayment requirements; eliminating the exemption of income limits for loans in certain areas of municipalities; providing that multifamily housing loans may be used to acquire structures for purposes of conversion to cooperative ownership; amending Minnesota Statutes 1980, Sections 462C.03, Subdivisions 1, 3, and 7; and 462C.05, Subdivision 1; repealing Minnesota Statutes 1980, Sections 462C.03, Subdivision 8; and 462C.05, Subdivision 3.

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 1980, Section 462C.03, Subdivision 1, is amended to read:

Subdivision 1. The housing plan shall set forth:

(a) The housing needs of the city and the data demonstrating those needs;

(b) The plan of the city to meet identified housing needs, and the specific

methods to be used to carry out the plan;

(c) Target areas, if any, of the city for each method;

(d) The financing program or programs to be included in the plan;

(e) The number and qualifications of lenders eligible to participate in the program;

(f) The estimated amount of mortgage loans to be made or purchased in each program and the estimated amounts and timing of the sale of revenue bonds required to finance such loans, fund appropriate reserves, and pay costs of issuance;

(g) Methods for monitoring the implementation by participants to insure that the programs will be consistent with the plan and its objectives;

(h) The administrative capacity of the city to monitor and supervise housing finance programs;

(i) The cost to the city, including administrative costs; ~~and~~

(j) An analysis of how the programs will meet the needs of low and moderate income families in the city~~.~~;

(k) A description of the city's strategies to minimize displacement of low and moderate income persons and families and an outline of policies which will be implemented to mitigate adverse effects which do occur as a result of developments financed through programs in this chapter; and

(l) The citizen participation process followed in developing the plan. The process shall be similar in form and substance to procedures established by the city for use in other state and federal programs, and shall directly include participation by representatives of areas affected by the plan.

Sec. 2. Minnesota Statutes 1980, Section 462C.03, Subdivision 2, is amended to read:

Subd. 2. Each program shall establish limits on gross income for persons and families to be served by the program. The adjusted gross income may not exceed the greater of (a) 110 percent of the median family income as estimated by the United States department of housing and urban development for the nonmetropolitan county or standard metropolitan statistical area, as the case may be, or (b) 100 percent of the income limits established by the Minnesota housing finance agency in which the city is located; except as provided in subdivision 8. The Minnesota housing finance agency shall provide the relevant income data to any city requesting the data.

A city shall make every effort to use not less than 20 percent of the aggregate dollar amount of all loans made or purchased within any calendar year under all of a city's housing programs, for loans or housing for persons and families with adjusted gross incomes of less than 80 percent of the median family income as estimated by the United States department of housing and urban development for the non-metropolitan county or standard metropolitan statistical area, whichever is applicable.

Sec. 3. Minnesota Statutes 1980, Section 462C.05, Subdivision 1, is amended to read:

Subdivision 1. A city may also plan, administer, and make or purchase a

loan or loans to finance one or more multifamily housing developments within its boundaries, of the kind described in subdivision 2, 3 or 4, and upon the conditions set forth in this section. A loan may be made or purchased for the acquisition and preparation of a site and the construction of a new development, or for the acquisition of an existing building and site and the rehabilitation thereof, *or for the acquisition of an existing building and site for purposes of conversion to limited equity cooperative ownership by low or moderate income families*, provided that:

(a) *Except in the case of acquisition for purposes of conversion to limited equity cooperative ownership*, the cost of rehabilitation of an existing building is estimated to equal at least $5,000 per dwelling unit or 50 percent of the appraised value of the original building and site, whichever is less or if the rehabilitation is financed in part by proceeds from a program provided by the federal government pursuant to 24 C.F.R. Sections 882.401 to 882.519 or pursuant to section 312 of the Housing Act of 1964 (42 U.S.C. Section 1452b), the cost of rehabilitation of an existing building is estimated to equal at least $2,000 per dwelling unit or 20 percent of the appraised value of the original building and site whichever is less;

(b) At least a substantial portion of such rehabilitation cost is estimated to be incurred for compliance with building codes or conservation of energy;

(c) Each development upon completion shall comply with all applicable code requirements;

(d) A loan or loans may be made or purchased for either the construction or the long term financing of a development, or both, including the financing of the acquisition of dwelling units and interests in common facilities provided therein, by persons to whom such units and facilities may be sold as contemplated in chapter 515 or any supplemental or amendatory law thereof; ~~and~~

(e) Substantially all of the proceeds of each loan shall be used to pay the cost of a multifamily housing development, including property functionally related and subordinate to it; but nothing herein prevents the construction of the development over, under, or adjacent to, and in conjunction with facilities to be used for purposes other than housing *; and*

(f) The owner or borrower utilitizing loans provided under this chapter certifies that he will not displace current tenants either during or after the rehabilitation, except as provided for in section 462C.03, subdivision 1, clause (k).

Sec. 4. [EFFECTIVE DATE.]

This act is effective the day following its final enactment."

Amend the title as follows:

Page 1, delete lines 2 to 13 and insert:

"relating to housing; requiring municipal housing plans to incorporate policies to minimize displacement and encourage citizen participation; encouraging the use of bond proceeds for housing for persons and families of low income; providing that multifamily housing loans may be used to acquire structures for conversion to cooperative ownership; amending Minnesota Statutes 1980, Sections 462C.03, Subdivisions 1 and 2; and 462C.05, Subdivi-

sion 1."

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. 1173: A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and building on the Fergus Falls state hospital campus of of a capital nature; authorizing issuance of state bonds; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete lines 13 to 24 and insert "*construction of a facility to incinerate solid waste and to produce heat in the form of steam for use at the Fergus Falls state hospital. Solid waste generated in the Fergus Falls area now disposed of in landfill may be incinerated in the facility.*

The commissioner of administration shall contract with the city of Fergus Falls for the delivery of solid waste to the facility, for the removal of incinerated waste residue and for the collection of tipping fees from the city of Fergus Falls. The commissioner may contract with additional persons for delivery of solid waste to the facility. Revenue received shall be deposited by the commissioner in the general fund."

Page 2, line 4, after "*contract*" insert "*with the city*"

Page 2, line 4, delete "*effective*" and insert "*entered by the commissioner*"

Page 2, line 5, delete "*approved*" and insert "*reviewed*"

Amend the title as follows:

Page 1, line 4, delete second "of"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S. F. No. 1032: A bill for an act relating to transportation; providing for the financing of certain services of the department of transportation; increasing the motor vehicle registration tax on certain vehicles; increasing the tax on gasoline and special fuels; authorizing the issuance of state transportation bonds and appropriating the proceeds for the purpose of providing money for capital improvements comprising construction and reconstruction of key bridges on the trunk highway system, segments of the interstate system and interstate highway substitution projects; amending Minnesota Statutes 1980, Sections 168.011, Subdivisions 7, 10, 17 and 25; 168.013, Subdivisions 1a, 1b, 1c, 1d, 1e, 1g, 1h and 2; 168.017, Subdivisions 1 and 3; 174.50, Subdivision 1; and 296.02, Subdivision 1; repealing Minnesota Statutes 1980, Section 168.013, Subdivisions 16 and 17.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, after line 22, insert:

"*For the purposes of this subdivision, a motor home includes a unit designed to provide temporary living quarters, built into as an integral part of, or permanently attached to, a self propelled motor vehicle chassis or van that contains a permanently installed independent life support system and provides at least four of the following facilities: cooking, refrigeration or ice box, self contained toilet, heating or air conditioning, a potable water supply system including a faucet and sink, separate 110-125 volt electrical power supply, or a liquid propane gas supply. The units include, but are not limited to, the following:*

(i) A raw chassis upon which is built a driver's compartment and an entire body that provides temporary living quarters;

(ii) A completed van-type vehicle that has been altered to provide temporary living quarters; and

(iii) An incomplete vehicle upon which is permanently attached a body designed to provide temporary living quarters as defined above."

Page 3, line 35, reinstate the old language and delete the new language

Page 5, line 4, reinstate the stricken "75" and delete "*80*"

Page 5, line 5, reinstate the stricken "60" and delete "*70*"

Page 5, line 6, reinstate the stricken "45" and delete "*60*"

Page 5, line 7, reinstate the stricken "35" and delete "*50*"

Page 5, line 8, reinstate the stricken "30" and delete "*40*"

Page 5, line 9, reinstate the stricken "20" and delete "*30*"

Page 5, line 10, reinstate the stricken "15" and delete "*20*"

Page 5, line 12, delete "*$15,*" and insert "*$20.*"

Page 5, line 12, delete "*provided that for*"

Page 5, delete lines 13 to 15

Page 5, line 17, delete "*$15*" and insert "*$20*"

Page 5, line 17, delete "*January 1, 1982,*" and insert " *November 15, 1981*"

Page 5, line 17, delete ", *nor less*"

Page 5, lines 18 and 19, delete the new language

Page 6, line 14, delete "*and*" and insert ", *during each of the first ten years of*"

Page 6, line 15, delete "*a*"

Page 6, line 15, delete "*of one to ten years*"

Page 6, line 23, delete "*and a*" and insert ", *during the eleventh and succeeding years of*"

Page 6, line 23, delete "*of 11 or more years*"

Page 6, line 29, after "*year*" insert "*and each succeeding year*"

Page 6, line 34, after "*during*" insert "*each of*"

Page 7, line 2, delete "*and a*" and insert "*, during each of the first ten years of*"

Page 7, line 2, after "*life*" insert a comma

Page 7, line 2, delete "*of one to ten years*"

Page 7, line 8, after "*year*" insert "*and each succeeding year*"

Page 7, line 17, after "*year*" insert "*and each succeeding year*"

Page 7, line 30, delete "*(1)*"

Page 7, lines 31, 33, 34, reinstate the stricken language

Page 8, line 1, after "than" insert "*$100.*"

Page 8, line 1, reinstate everything after the stricken "and"

Page 8, line 2, reinstate everything before the stricken "graduated"

Page 8, line 3, delete "*$120*" and insert "*75 percent of the tax imposed in the Minnesota base rate schedule*"

Page 8, line 4, after the period, insert "*For all trucks, tractors, and combinations, during the seventh and succeeding years of vehicle life, the tax shall be:*

(a) For the 1982 registration year, 60 percent of the tax imposed in subdivision 1e;

(b) For the 1983 registration year, 70 percent of the tax imposed in subdivision 1e;

(c) For the 1984 registration year and each succeeding year, 75 percent of the tax imposed in subdivision 1e."

Page 8, line 12, delete "*15*" and insert "*10*"

Page 8, line 13, delete "*20*" and insert "*14*"

Page 8, line 14, delete "*25*" and insert "*21*"

Page 8, line 15, delete "*35*" and insert "*28*"

Page 8, line 16, delete "*45*" and insert "*42*"

Page 8, line 17, delete "*70*" and insert "*49*"

Page 8, line 18, delete "*105*" and insert "*93*"

Page 8, line 19, delete "*145*" and insert "*129*"

Page 8, line 20, delete "*190*" and insert "*171*"

Page 8, line 21, delete "*270*" and insert "*237*"

Page 8, line 22, delete "*360*" and insert "*345*"

Page 8, line 23, delete "*470*" and insert "*480*"

Page 8, line 24, delete "*590*" and insert "*630*"

Page 8, line 25, delete "*710*" and insert "*810*"

Page 8, line 26, delete "*860*" and insert "*863*"

Page 8, line 27, delete "*1010*" and insert "*1038*"

Page 8, line 28, delete "*1180*" and insert "*1213*"

Page 8, line 29, delete "*1320*" and insert "*1313*"

Page 8, line 30, strike "77,000" and insert "*78,000*"

Page 8, line 30, delete "*1490*" and insert "*1444*"

Page 8, line 31, strike "77,001" and insert "*78,001*"

Page 8, line 31, delete "*1620*" and insert "*1575*"

Page 10, line 13, reinstate the stricken language

Page 10, line 14, reinstate the stricken language

Page 10, lines 22 to 35, reinstate the stricken language

Page 10, line 36, reinstate everything before the stricken "On" and insert "*(1)*"

Page 10, line 36, reinstate everything after the period

Page 11, line 1, reinstate "combinations" and insert "*with a gross weight of 57,000 pounds or less*"

Page 11, line 1, reinstate everything after "combinations"

Page 11, line 2, reinstate "shall be" and insert "*75*"

Page 11, line 2, reinstate everything after the stricken "30"

Page 11, line 3, reinstate "subdivision" and insert "*1e*"

Page 11, line 3, reinstate everything after the stricken "I"

Page 11, line 4, reinstate "years of vehicle life"

Page 11, line 4, reinstate "and during"

Page 11, line 5, reinstate everything before the stricken "of"

Page 11, line 6, reinstate the comma and insert "*the tax shall be 50 percent of the base rate except as otherwise provided in this subdivision. On urban trucks and combinations with a gross weight of 57,000 pounds or less during each of the first six years of vehicle life the tax shall be:*

(a) For the 1982 registration year, 45 percent of the Minnesota base rate schedule;

(b) For the 1983 registration year, 60 percent of the Minnesota base rate schedule;

(c) For the 1984 registration year and each succeeding year, 75 percent of the Minnesota base rate schedule.

(2) On urban trucks and combinations with a gross weight of 57,000 pounds or less, during the seventh and succeeding years of vehicle life, the tax shall be:

(a) For the 1982 registration year, 17 percent of the Minnesota base rate schedule;

(b) For the 1983 registration year, 33 percent of the Minnesota base rate

schedule;

(c) For the 1984 registration year and each succeeding year, 50 percent of the Minnesota base rate schedule.

(3) On urban trucks and combinations with a gross weight of more than 57,000 pounds, the tax shall be based on total gross weight and shall be 100 percent of the Minnesota base rate prescribed by subdivision 1e during each of the first six years of vehicle life and during the seventh and succeeding years, the tax shall be 75 percent of the base rate, except as otherwise provided in this subdivision. On urban trucks and combinations with a gross weight of more than 57,000 pounds, during each of the first six years of vehicle life, the tax shall be:

(a) For the 1982 registration year, 33 percent of the Minnesota base rate schedule;

(b) For the 1983 registration year, 67 percent of the Minnesota base rate schedule;

(c) For the 1984 registration year and each succeeding year, 100 percent of the Minnesota base rate schedule.

(4) On urban trucks with a gross weight of more than 57,000 pounds, during the seventh and succeeding years of vehicle life the tax shall be:

(a) For the 1982 registration year, 25 percent of the Minnesota base rate schedule;

(b) For the 1983 registration year, 50 percent of the Minnesota base rate schedule;

(c) For the 1984 registration year and each succeeding year, 75 percent of the Minnesota base rate schedule.''

Page 11, line 6, reinstate everything after the stricken period

Page 11, reinstate lines 7 to 20

Page 11, delete lines 21 to 36

Page 12, delete lines 1 to 9

Page 12, line 12, delete ''*(1)*''

Page 12, line 17, strike '', but in no event less than''

Page 12, line 19, delete the new language

Page 12, line 20, delete the new language

Page 12, delete lines 21 to 31

Page 12, line 34, strike ''prescribed in subdivision 1e'' and insert ''*schedule*''

Page 12, line 35, delete ''*$20*'' and insert ''*$10*''

Page 14, delete section 15 and insert:

''Sec. 15. Minnesota Statutes 1980, Section 168.10, Subdivision 1a, is amended to read:

Subd. 1a. [COLLECTOR'S VEHICLES, PIONEER LICENSE.] Any

motor vehicle manufactured prior to 1936 and owned and operated solely as a collector's item shall be listed for taxation and registration as follows: An affidavit shall be executed stating the name and address of the owner, the name and address of the person from whom purchased, the make of the motor vehicle, year and number of the model, the manufacturer's identification number and that the vehicle is owned and operated solely as a collector's item and not for general transportation purposes. If the registrar is satisfied that the affidavit is true and correct and the owner pays a ~~$6~~ *$100* tax, the registrar shall list such vehicle for taxation and registration and shall issue number plates.

The number plates so issued shall bear the inscription "Pioneer," "Minnesota" and the registration number but no date. The number plates are valid without renewal as long as the vehicle is in existence and shall be issued for the applicant's use only for such vehicle. The registrar has the power to revoke said plates for failure to comply with this subdivision.

In the event of the defacement, loss or destruction of such number plates, the registrar, upon receiving and filing a sworn statement of the vehicle owner, setting forth the circumstances, together with any defaced plates and the payment of a $2 fee, shall issue duplicate plates specially designed for that purpose. The registrar shall then note on his records the issue of such new number plates and shall proceed in such manner as he may deem advisable to cancel and call in the original plates.

Sec. 16. Minnesota Statutes 1980, Section 168.10, Subdivision 1b, is amended to read:

Subd. 1b. [COLLECTOR'S VEHICLE, CLASSIC CAR LICENSE.] Any motor vehicle manufactured between and including the years 1925 and 1948, and designated by the registrar of motor vehicles as a classic car because of its fine design, high engineering standards, and superior workmanship, and owned and operated solely as a collector's item shall be listed for taxation and registration as follows: An affidavit shall be executed stating the name and address of the owner, the name and address of the person from whom purchased, the make of the motor vehicle, year and number of the model, the manufacturer's identification number and that the vehicle is owned and operated solely as a collector's item and not for general transportation purposes. If the registrar is satisfied that the affidavit is true and correct and that the motor vehicle qualifies to be classified as a classic car, and the owner pays a ~~$6~~ *$100* tax, the registrar shall list such vehicle for taxation and registration and shall issue number plates.

The number plates so issued shall bear the inscription "Classic Car," "Minnesota," and the registration number but no date. The number plates are valid without renewal as long as the vehicle is in existence and shall be issued for the applicant's use only for such vehicle. The registrar has the power to revoke said plates for failure to comply with this subdivision.

In the event of the defacement, loss or destruction of such number plates, the registrar, upon receiving and filing a sworn statement of the vehicle owner, setting forth the circumstances, together with any defaced plates and the payment of a $2 fee, shall issue duplicate plates specially designed for that purpose. The registrar shall then note on his records the issue of such new number plates and shall proceed in such manner as he may deem advisable to cancel and call in the original plates.

The following cars built between and including 1925 and 1942 are classic, with the exception of Lincoln Continentals which are considered to be classics through the year 1948:

A.C.	
Adler	
Alfa Romeo	
Alvis	Speed 20, 25, and 4.3 litre.
Amilcar	
Aston Martin	
Auburn	All 8-cylinder and 12-cylinder models.
Audi	
Austro-Daimler	
Avions Voisin 12	
Bentley	
Blackhawk	
B.M.W.	Models 327, 328, and 335 only.
Brewster (Heart-front Ford)	
Bugatti	
Cadillac	All 1925 through 1935. 1936-1942: Series 70, 72, 75, 80, 85 and 90 only.
Chrysler	1926 through 1930: Imperial 80. 1931: Imperial 8 Series CG. 1932: Series CG and CL. 1933: Series CL. 1934: Series CW. 1935: Series CW. All Newports and Thunderbolts.
Cord	
Cunningham	
Dagmar	Model 25-70 only.
Daimler	
Delage	
Delahaye	
Doble	
Dorris	
Duesenberg	
du Pont	
Franklin	All models except 1933-34 Olympic Sixes.
Frazer Nash	
Hispano Suiza	
Horch	
Hotchkiss	
Invicta	
Isotta Fraschini	
Jaguar	
Jordan	Speedway Series 'Z' only.
Kissel	1925, 1926 and 1927: Model 8-75. 1928: Model 8-90, and 8-90 White Eagle. 1929: Model 8-126, and 8-90 White Eagle. 1930: Model 8-126. 1931: Model 8-126.
Lagonda	
Lancia	

La Salle	1927 through 1933 only.
Lincoln	All models K, L, KA, and KB. 1941: Model 168H. 1942: Model 268H.
Lincoln Continental	1939 through 1948.
Locomobile	All models 48 and 90. 1927: Model 8-80. 1928: Model 8-80. 1929: Models 8-80 and 8-88.
Marmon	All 16-cylinder models. 1925: Model 74. 1926: Model 74. 1927: Model 75. 1928: Model E75. 1930: Big 8 model. 1931: Model 88, and Big 8.
Maybach	
McFarlan	
Mercedes Benz	All models 2.2 litres and up.
Mercer	
M.G.	6-cylinder models only.
Minerva	
Packard	1925 through 1934: All models. 1935 through 1942: Models 1200, 1201, 1202, 1203, 1204, 1205, 1207, 1208, 1400, 1401, 1402, 1403, 1404, 1405, 1407, 1408, 1500, 1501, 1502, 1506, 1507, 1508, 1603, 1604, 1605, 1607, 1608, 1705, 1707, 1708, 1806, 1807, 1808, 1906, 1907, 1908, 2006, 2007, and 2008 only.
Peerless	1926 through 1928: Series 69. 1930-1931: Custom 8. 1932: Deluxe Custom 8.
Pierce Arrow	
Railton	
Renault	Grand Sport model only.
Reo	1930-1931: Royale Custom 8, and Series 8-35 and 8-52 Elite 8. 1933: Royale Custom 8.
Revere	
Roamer	1925: Series 8-88, 6-54e, and 4-75. 1926: Series 4-75e, and 8-88. 1927-1928: Series 8-88. 1929: Series 8-88, and 8-125. 1930: Series 8-125.
Rohr	
Rolls Royce	
Ruxton	
Salmson	
Squire	
Stearns Knight	
Stevens Duryea	
Steyr	

Stutz	
Sunbeam	
Talbot	
Vauxhall	Series 30-98 only.
Wills Saint Claire	

No commercial vehicles such as hearses, ambulances, or trucks are considered to be classic cars.

Sec. 17. Minnesota Statutes 1980, Section 168.10, Subdivision 1c, is amended to read:

Subd. 1c. [COLLECTOR'S VEHICLE, COLLECTOR LICENSE.] Any motor vehicle that is at least 20 model years old and manufactured after 1935, or of a defunct make, defined as any car originally licensed as a separate identifiable make as designated by the division of motor vehicles, and owned and operated solely as a collector's vehicle, shall be listed for taxation and registration as follows: An affidavit shall be executed stating the name and address of the person from whom purchased and of the new owner, the make of the motor vehicle, year and number of the model, the manufacturer's identification number and that the vehicle is owned and operated solely as a collector's item and not for general transportation purposes. The owner must also prove that he or she also has one or more vehicles with regular license plates. If the registrar is satisfied that the affidavit is true and correct and the owner pays a ~~$20~~ *$100* tax, the registrar shall list such vehicle for taxation and registration and shall issue number plates.

The number plates so issued shall bear the inscription "Collector," "Minnesota" and the registration number, but no date. The number plates are valid without renewal as long as the vehicle is in existence and shall be issued for the applicant's use only for such vehicle. The registrar has the power to revoke such plates for failure to comply with this subdivision.

In the event of the defacement, loss or destruction of such number plates, the registrar, upon receiving and filing a sworn statement of the vehicle owner, setting forth the circumstances, together with any defaced plates and the payment of a $2 fee, shall issue duplicate plates specially designed for that purpose. The registrar shall then note on his records the issue of such new number plates and shall proceed in such a manner as he may deem advisable to cancel and call in the original plates.

Sec. 18. Minnesota Statutes 1980, Section 168.10, Subdivision 1d, is amended to read:

Subd. 1d. [COLLECTORS VEHICLES, STREET ROD LICENSE.] Any modernized motor vehicle manufactured prior to the year 1949 or designed and manufactured to resemble such vehicle shall be listed for taxation and registration as follows:

An affidavit shall be executed stating the name and address of the person from whom purchased and of the new owner, the make of the motor vehicle, year number of model, and the manufacturer's identification number. The affidavit shall further state that the vehicle is owned and operated solely as a street rod and not for general transportation purposes. The owner must also prove that he or she has one or more vehicles with regular license plates. If the registrar is satisfied that the affidavit is true and correct and the owner pays a ~~$25~~ *$100* tax, the registrar shall list such vehicle for taxation and registration and shall issue number plates.

The number plates issued shall bear the inscription "Street Rod", "Minnesota" and the registration number but no date. The number plates are valid without renewal as long as the vehicle is in existence and shall be issued for the applicant's use only for such vehicle. The registrar has the power to revoke such plates for failure to comply with this subdivision.

In the event of the defacement, loss or destruction of such number plates, the registrar, upon receiving and filing a sworn statement of the vehicle's owner, setting forth the circumstances, together with any defaced plates and the payment of a $5 fee, shall issue duplicate plates specially designed for that purpose. The registrar shall then note on his records the issue of such new number plates and shall proceed in such a manner as he may deem advisable to cancel and call in the original plates.

Sec. 19. Minnesota Statutes 1980, Section 168.12, Subdivision 2a, is amended to read:

Subd. 2a. [PERSONALIZED LICENSE PLATES.] Personalized license plates shall be issued to any applicant for registration of a passenger automobile, station wagon, van or pickup truck with a gross weight of 9,000 pounds or less, or self-propelled recreational vehicle, upon compliance with all laws of this state relating to registration of the vehicle, and upon payment of a fee of ~~$50~~ *$100* in addition to the registration tax required by law for the vehicle. In lieu of the numbers assigned as provided in subdivision 1, such personalized license plates shall have imprinted thereon a series of not to exceed any combination of six numbers and letters. When an applicant has once obtained personalized plates, he shall have a prior claim for similar personalized plates in the next succeeding year that plates are issued if he makes application for them at least 30 days prior to the first date on which his registration can be renewed. The commissioner of public safety shall adopt rules and regulations in the manner provided by chapter 15, regulating the issuance and transfer of such personalized license plates. No words or combination of letters placed on such personalized license plates may be used for commercial advertising or be of an obscene, indecent or immoral nature, or such as would offend public morals or decency. The call signals or letters of a radio or television station shall not be construed as commercial advertising for the purposes of this subdivision.

Notwithstanding the provisions of subdivision 1, personalized license plates issued pursuant to this subdivision may be transferred to another motor vehicle upon the payment of a fee of $5, which fee shall be paid into the state treasury and credited to the highway user tax distribution fund. The registrar may by regulation provide a form for such notification.

The fee prescribed for personalized license plates shall be paid only in those years in which the number plate itself is issued, and shall not be payable in any year in which a year plate, tab or sticker is issued in lieu of a number plate.

All fees from the sale of personalized license plates shall be paid into the state treasury and credited to the highway user tax distribution fund."

Page 15, line 32, delete "*state match*" and insert "*matching funds*"

Page 15, line 33, after "*of*" insert "*right of way, preliminary and construction engineering, and construction costs of*"

Page 15, line 36, delete "*17*" and insert "22"

Page 15, after line 20, insert:

"Sec. 21. Minnesota Statutes 1980, Section 296.02, Subdivision 1, is amended to read:

Subdivision 1. [TAX IMPOSED FOR MOTOR VEHICLE USE.] There is hereby imposed an excise tax of ~~11~~ *15* cents per gallon on all gasoline used in producing and generating power for propelling motor vehicles used on the public highways of this state. This tax shall be payable at the times, in the manner, and by persons specified in this chapter."

Page 16, line 10, delete "*17*" and insert "*22*"

Page 16, line 16, delete "*19*" and insert "*24*"

Page 16, line 19, delete "*14*" and insert "*19*"

Page 16, line 22, delete "*15*" and insert "*23*"

Page 16, line 24, delete "*16, 17 and 18*" and insert "*20, 22 and 23*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 16, after "3" insert "; 168.10, Subdivisions 1a, 1b, 1c and 1d; 168.12, Subdivision 2a"

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Employment, to which was referred

S. F. No. 405: A bill for an act relating to workers' compensation; providing for insurance rate setting by individual insurance companies; eliminating duties of rating bureau of Minnesota; creating and eliminating duties for the commissioner of insurance; amending Minnesota Statutes 1980, Sections 70A.02; 70A.04, by adding a subdivision; 70A.08, by adding a subdivision; 70A.09; 70A.19; and 176.185, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapters 70A and 176; repealing Minnesota Statutes 1980, Chapter 79.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [79.50] [PURPOSES.]

The purposes of chapter 79 are to:

(a) Promote public welfare by regulating insurance rates so that premiums are not excessive, inadequate, or unfairly discriminatory;

(b) Promote quality and integrity in the data bases used in workers' compensation insurance ratemaking;

(c) Prohibit price fixing agreements and anticompetitive behavior by insurers;

(d) Promote price competition and provide rates that are responsive to competitive market conditions;

(e) Provide a means of establishment of proper rates if competition is not effective;

(f) Define the function and scope of activities of data service organizations; and

(g) Provide for an orderly transition from regulated rates to competitive market conditions.

Sec. 2. [79.51] [RULES.]

Subdivision 1. [ADOPTION; WHEN.] *The commissioner shall adopt rules to implement provisions of chapter 79. The rules shall be finally adopted after May 1, 1982. By January 15, 1982, the commissioner shall provide the legislature a description and explanation of the intent and anticipated effect of the rules on the various factors of the rating system.*

Subd. 2. [TRANSITION PERIOD; RULES GOVERN.] *Insurance rates from July 1, 1983, to December 31, 1985, shall be determined in accordance with rules adopted by the commissioner. The rules shall require (1) that a hearing be held pursuant to the provisions of section 79.071 to consider any petition requesting modification of rates and (2) that following the hearing the commissioner shall adopt a schedule of rates.*

Subd. 3. [RULES; SUBJECT MATTER.] *(a) The commissioner in issuing rules shall consider:*

(1) Data reporting requirements, including types of data reported, such as loss and expense data;

(2) Experience rating plans;

(3) Retrospective rating plans;

(4) General expenses and related expense provisions;

(5) Minimum premiums;

(6) Classification systems and assignment of risks to classifications;

(7) Loss development and trend factors;

(8) The workers' compensation reinsurance association;

(9) Restrictions, prohibitions, and requirements with respect to the activities of the workers' compensation insurers rating association of Minnesota during the period from July 1, 1983, to January 1, 1986;

(10) Requiring substantial compliance with the rules mandated by this section as a condition of workers' compensation carrier licensure;

(11) Imposing limitations on the functions of workers' compensation data service organizations consistent with the introduction of competition;

(12) The rules contained in the workers' compensation rating manual adopted by the workers' compensation insurers rating association; and

(13) Any other factors that the commissioner deems relevant to achieve the purposes of sections 1 to 14.

(b) The rules shall provide for the following:

(1) Competition in workers' compensation insurance rates in such a way that the advantages of competition are introduced with a minimum of employer hardship during the transition period;

(2) Adequate safeguards against excessive or discriminatory rates in workers' compensation during the transition period;

(3) Encouragement of workers' compensation insurance rates which are as low as reasonably necessary, but shall make provision against inadequate rates, insolvencies and unpaid benefits;

(4) Assurances that employers are not unfairly relegated to the assigned risk pool;

(5) Requiring all appropriate data and other information from insurers for the purpose of issuing rules and making legislative recommendations pursuant to this section; and

(6) Preserving a framework for risk classification, data collection, and other appropriate joint insurer services where these will not impede the introduction of competition in premium rates.

(c) The rules shall expire on January 1, 1986.

Subd. 4. [ADVISORY COMMITTEE.] *The commissioner shall appoint an advisory committee which shall offer recommendations regarding rulemaking under this section. The advisory committee shall include representatives of insurers, employers, and employees.*

Sec. 3. [79.52] [DEFINITIONS.]

Subdivision 1. [GENERALLY.] *The following words or phrases shall have the meanings ascribed to them for the purposes of sections 1 to 14, unless the context clearly indicates that a different meaning is intended.*

Subd. 2. [MARKET.] *"Market" means any reasonable grouping or classification of employers.*

Subd. 3. [DATA SERVICE ORGANIZATION.] *"Data service organization" means any entity which has ten or more members or is controlled directly or indirectly by ten or more insurers and is engaged in collecting data for use in insurance ratemaking or other activities permitted by chapter 79. Affiliated members or insurers shall be counted as a single unit for the purpose of this definition. The workers' compensation insurers rating association of Minnesota shall be considered a data service organization.*

Subd. 4. [CLASSIFICATION PLAN; CLASSIFICATION.] *"Classification plan" or "classification" means the plan, system, or arrangement for rating insurance policyholders.*

Subd. 5. [RATES.] *"Rates" means the cost of insurance per exposure base unit.*

Subd. 6. [BASE PREMIUM.] *"Base premium" means the amount of premium which an employer would pay for insurance derived by applying rates to an exposure base prior to the application of any merit rating or discount factors.*

Subd. 7. [PREMIUM.] *"Premium" means the price charged to an insured for insurance for a specified period of time, regardless of the timing of actual payments.*

Subd. 8. [DISCOUNT FACTOR.] *"Discount factor" means any factor*

which is applied to the base premium and which is based upon insurer expenses or other factors not related to the risk of loss.

Subd. 9. [MERIT RATING.] *"Merit rating" means a system or form of rating by which base premium is modified on the basis of loss experience or other factors which are reasonably related to loss or risk of loss and which may be reasonably affected by the action or activities of the insured. The sensitivity of a merit rating system to loss experience may vary by the size of risk. Merit rating shall include both prospective and retrospective methods for modifying base premium.*

Subd. 10. [LOSS DEVELOPMENT FACTORS.] *"Loss development factors" means factors applied to recorded incurred losses to estimate the amount of ultimate loss payments that will have been made for losses during the applicable period when all claims are paid.*

Subd. 11. [TREND OR TRENDING.] *"Trend" or "trending" means any procedure employing data for the purpose of projecting or forecasting the future value of that data or other data, or the factors resulting from such a procedure.*

Subd. 12. [INTERESTED PARTY.] *"Interested party" means any person, or association acting on behalf of its members, directly affected by a change in the schedule of rates and includes the staff of the insurance division.*

Subd. 13. [INSURER.] *"Insurer" means any insurer licensed to transact the business of workers' compensation insurance in this state.*

Subd. 14. [INSURANCE.] *"Insurance" means workers' compensation insurance.*

Subd. 15. [RATING PLAN.] *"Rating plan" means every manual, and every other rule including discount factors and merit rating necessary for the calculation of an insured's premium from an insurer's rates. An insurer may choose to adopt for use the rating plan of the data service organization in which it maintains membership.*

Sec. 4. [79.53] [PREMIUM CALCULATION.]

Each insurer shall establish premiums to be paid by an employer according to its filed rates and rating plan as follows:

Rates shall be applied to an exposure base to yield a base premium which may be further modified by merit rating, premium discounts, and other appropriate factors contained in the rating plan of an insurer to produce premium. Nothing in this chapter shall be deemed to prohibit the use of any premium, provided the premium is not excessive, inadequate or unfairly discriminatory.

Sec. 5. [79.54] [COMPETITIVE MARKET PRESUMPTION.]

A competitive market is presumed to exist until the commissioner, after a hearing on the record, determines that a reasonable degree of competition does not exist and issues an order to that effect. The order shall include the conditions and procedures under which a determination of insufficient competition shall expire.

Sec. 6. [79.55] [STANDARDS FOR RATES.]

Subdivision 1. [GENERAL STANDARDS.] *Premiums shall not be exces-*

sive, inadequate, or unfairly discriminatory.

Subd. 2. [EXCESSIVENESS.] *No premium is excessive in a competitive market. In the absence of a competitive market, premiums are excessive if the expected underwriting profit, together with expected income from invested reserves for the market in question, that would accrue to an insurer would be unreasonably high in relation to the risk undertaken by the insurer in transacting the business.*

Subd. 3. [INADEQUACY.] *Premiums are inadequate if, together with the investment income associated with an insurer's Minnesota workers' compensation insurance business, they are clearly insufficient to sustain projected losses and expenses of the insurer and (a) if their continued use could lead to an insolvent situation for the insurer; or (b) if their use destroys or lessens competition or is likely to destroy or lessen competition.*

Subd. 4. [UNFAIR DISCRIMINATION.] *Premiums are unfairly discriminatory if differentials for insureds fail to reasonably reflect the differences in expected losses and expenses to the insurer attributable to the insureds. Rates are not unfairly discriminatory solely because different premiums result for insureds with like loss exposures but different expense factors, or like expense factors but different loss exposures, provided that rates reflect the differences with reasonable accuracy.*

Sec. 7. [79.56] [FILING RATES AND RATING INFORMATION.]

Subdivision 1. [AFTER EFFECTIVE DATE.] *Each insurer shall file with the commissioner a complete copy of its rates and rating plan, and all changes and amendments thereto, within 15 days after their effective dates. An insurer need not file a rating plan if it uses a rating plan filed by a data service organization. If an insurer uses a rating plan of a data service organization but deviates from it, then all deviations must be filed by the insurer.*

Subd. 2. [BEFORE EFFECTIVE DATE.] *The commissioner may order an insurer to file rates at least 30 days before the effective date of the rates (a) if the commissioner determines, based upon reasonable evidence, that an order is appropriate because of the insurer's financial condition; or (b) due to a prior finding of unfairly discriminatory rating practices; or (c) due to a prior finding of inadequate rates. The order may require that supplementary rate and supporting information be included in a filing.*

Subd. 3. [PENALTIES.] *Any insurer using a rate or a rating plan which has not been filed shall be subject to a fine of up to $100 for each day the failure to file continues. The commissioner may, after a hearing on the record, find that the failure is willful. A willful failure to meet filing requirements shall be punishable by a fine of up to $500 for each day during which a willful failure continues. These penalties shall be in addition to any other penalties provided by law.*

Subd. 4. [PUBLIC INSPECTION.] *All filings shall be open to public inspection during normal business hours at the offices of the insurance division.*

Sec. 8. [79.57] [FILING RATES; NONCOMPETITIVE MARKET.]

Upon making a determination that a market is not competitive, the commissioner shall require rates for use in that market to be filed 30 days prior to their effective date. The filing shall include, in a form prescribed by the commis-

sioner, an explanation of the rates and any data supporting the use of the rates which are not on file with a data service organization.

The commissioner may issue an order for a hearing at any time prior to the effective date of the rates and the rates shall not become effective until the commissioner has ruled on the rates following the hearing.

The commissioner may disapprove the rates subsequent to their effective date, except that rates so disapproved shall remain effective until the commissioner issues an order following a hearing.

Sec. 9. [79.58] [DISAPPROVAL OF RATES OR RATING PLANS.]

Subdivision 1. [RATES.] *A rate filed by an insurer may be disapproved by the commissioner subsequent to its effective date. Following a disapproval and prior to a refiling the insurer shall use the rates as reasonably established by the commissioner.*

The commissioner shall disapprove a rate if, after a hearing on the record, he finds that:

(a) The premium is inadequate or unfairly discriminatory; or

(b) A competitive market for workers' compensation does not exist and rates are excessive; or

(c) The insurer failed to comply with filing requirements.

A rehearing shall be held within 30 days of any disapproval under this section at the request of the insurer whose rates are disapproved.

Subd. 2. [RATING PLANS.] *The commissioner may disapprove a rating plan of a data service organization if, after a hearing, the commissioner finds that it is unfairly discriminatory. Any order of disapproval shall require the data service organization to use an alternative rating plan until approval of a rating plan by the commissioner. The commissioner shall not approve any rating plan based upon any data other than Minnesota data.*

Sec. 10. [79.59] [INSURERS AND DATA SERVICE ORGANIZATIONS; PROHIBITED ACTIVITIES.]

Subdivision 1. [MONOPOLIZATION.] *No insurer or data service organization shall attempt to monopolize or combine or conspire with any other person to monopolize the business of insurance.*

Subd. 2. [AGREEMENT PROHIBITED.] *No insurer shall agree with any other insurer or with a data service organization to adhere to or to use any rate, rating plan, rating schedule, rating rule, or underwriting rule except as specifically authorized by chapter 79 or for the purpose of creating experience modifications for employers with employees in more than one state.*

Subd. 3. [TRADE RESTRAINT.] *No insurer or data service organization shall make an agreement with any other insurer, data service organization, or other person which has the purpose or the effect of restraining trade or of substantially lessening competition.*

Subd. 4. [EXCEPTIONS.] *The fact that insurers writing not more than 25 percent of the workers' compensation premiums in Minnesota use the same rates, rating plans, rating schedules, rating rules, underwriting rules, or*

similar materials shall not alone constitute a violation of subdivision 1 or 2.

Two or more insurers under common ownership or operating under common management or control may act in concert between or among themselves with respect to matters authorized under chapter 79 as if they constituted a single insurer, provided that the rating plan of such insurers shall be considered to be a single plan for the purposes of determining unfair discrimination.

Subd. 5. [ADDITIONAL PROHIBITION.] *In addition to other prohibitions contained in this chapter, no data service organization shall:*

(a) Refuse to supply any service for which it is licensed or any data, except for data identifiable to an individual insurer, to any insurer authorized to do business in this state which offers to pay the usual compensation for the service or data;

(b) Require the purchase of any specific service as a condition to obtaining any other services sought;

(c) Participate in the development or distribution of rates, rating plans, or rating rules except as specifically authorized by this chapter or by rules adopted pursuant to this chapter; or

(d) Refuse membership to any licensed insurer.

Sec. 11. [79.60] [INSURERS; REQUIRED AND PERMITTED ACTIVITY.]

Subdivision 1. [REQUIRED ACTIVITY.] *Each insurer shall perform the following activities:*

(a) Maintain membership in and report loss experience data to a licensed data service organization in accordance with the statistical plan and rules of the organization as approved by the commissioner;

(b) Establish a plan for merit rating which shall be consistently applied to all insureds, provided that members of a data service organization may use merit rating plans developed by that data service organization;

(c) Provide an annual report to the commissioner containing the information and prepared in the form required by the commissioner; and

(d) Keep a record of the premiums and losses paid under each workers' compensation policy written in Minnesota in the form required by the commissioner.

Subd. 2. [PERMITTED ACTIVITY.] *In addition to any other activities not prohibited by chapter 79, insurers may:*

(a) Through licensed data service organizations, individually, or with insurers commonly owned, managed, or controlled, conduct research and collect statistics to investigate, identify, and classify information relating to causes or prevention of losses;

(b) Develop and use classification plans and rates based upon any reasonable factors; and

(c) Develop rules for the assignment of risks to classifications.

Sec. 12. [79.61] [DATA SERVICE ORGANIZATIONS; REQUIRED

AND PERMITTED ACTIVITY.]

Subdivision 1. [REQUIRED ACTIVITY.] *Any data service organization shall perform the following activities:*

(a) File statistical plans, including classification definitions, amendments to the plans, and definitions, with the commissioner for approval, and assign each compensation risk written by its members to its approved classification for reporting purposes;

(b) Establish requirements for data reporting and monitoring methods to maintain a high quality data base;

(c) Prepare and distribute a periodic report, in a form prescribed by the commissioner, on ratemaking including, but not limited to the following elements:

(i) development factors and alternative derivations;

(ii) trend factors and alternative derivations and applications;

(iii) pure premium relativities for the approved classification system for which data are reported, provided that the relativities for insureds engaged in similar occupations and presenting substantially similar risks shall, if different, differ by at least ten percent; and

(iv) an evaluation of the effects of changes in law on loss data.

The report shall also include explicit discussion and explanation of methodology, alternatives examined, assumptions adopted, and areas of judgment and reasoning supporting judgments entered into, and the effect of various combinations of these elements on indications for modification of an overall pure premium rate level change. The pure premium relativities and rate level indications shall not include a loading for expenses or profit and no expense or profit data or recommendations relating to expense or profit shall be included in the report or collected by a data service organization;

(d) Collect, compile, summarize, and distribute data from members or other sources pursuant to a statistical plan approved by the commissioner;

(e) Prepare merit rating plan and calculate any variable factors necessary for utilization of the plan. Such a plan may be used by any of its members, at the option of the member provided that the application of a plan shall not result in rates that are unfairly discriminatory;

(f) Provide loss data specific to an insured to the insured at a reasonable cost;

(g) Distribute information to an insured or interested party that is filed with the commissioner and is open to public inspection; and

(h) Assess its members for operating expenses on a fair and equitable basis.

Subd. 2. [PERMITTED ACTIVITY.] *In addition to any other activities not prohibited by chapter 79, any data service organization may:*

(a) Collect and analyze data in order to investigate, identify, and classify information relating to causes or prevention of losses;

(b) Make inspections for the sole purpose of reporting and maintaining data

quality;

(c) Contract with another data service organization to fulfill any of the above requirements; and

(d) Prepare and file with the commissioner a rating plan for use by any of its members, provided that no member may be required to use any part of the plan.

Sec. 13. [79.62] [DATA SERVICE ORGANIZATIONS; LICENSING, EXAMINATION.]

Subdivision 1. [LICENSE REQUIRED.] *No data service organization shall provide any service and no insurer shall use the services of a data service organization unless the organization is licensed by the commissioner.*

Subd. 2. [PROCEDURE; APPLICATION.] *A data service organization shall apply for a license in a form and manner prescribed by the commissioner. The application of a data service organization shall include:*

(a) A copy of its constitution, articles of incorporation, bylaws, and other rules pertaining to the conduct of its business;

(b) A plan and narrative describing how it will perform the activities required by sections 11 and 14;

(c) A statement showing its technical qualifications; and

(d) Any other information that the commissioner may reasonably require.

Subd. 3. [ISSUANCE.] *The commissioner, upon finding that the applicant organization is qualified to provide the services required and proposed, or has contracted with a licensed data service organization to purchase these services which are required by chapter 79 but are not provided directly by the applicant, and that all requirements of law are met, shall issue a license. Licenses shall remain in effect until the licensee withdraws from business or until the license is suspended or revoked.*

Subd. 4. [SUSPENSION; REVOCATION.] *The commissioner may, after a hearing on the record, revoke or suspend the license of a data service organization if he finds that the organization is not in compliance with the requirements of chapter 79 or rules issued thereunder.*

Subd. 5. [LICENSEE EXAMINATION.] *The commissioner may examine any licensed data service organization to determine whether its activities and practices comply with law. The cost of the examination shall be paid by the examined organization.*

Sec. 14. [79.63] [ASSIGNED RISK PLAN.]

Subdivision 1. [ADMINISTRATION.] *The commissioner shall appoint a licensed data service organization to administer the assigned risk plan. The appointed data service organization shall submit to the commissioner for approval a plan and rules for administering the assigned risk plan, including a method or formula by which the organization is to be paid for administrative services.*

Subd. 2. [REJECTION; NOTICE.] *An insurer that refuses to write insurance for an applicant shall furnish the applicant a written notice of refusal and shall file a copy of the notice of refusal with the data service organization*

appointed pursuant to subdivision 1. Servicing insurers designated pursuant to subdivision 3 shall accept and insure any applicant for workers' compensation insurance assigned pursuant to subdivision 3.

Subd. 3. [ASSIGNMENT.] *An insurer or insurers shall be designated by the data service organization appointed pursuant to subdivision 1 to issue a policy of workers' compensation insurance to an applicant which has been refused insurance. A policy shall contain the usual and customary provisions of workers' compensation insurance policies, but for which undertaking all insurers doing workers' compensation business in this state shall be reinsurers among themselves in the amount which the compensation insurance written in this state during the preceding calendar year by each insurer bears to the total compensation insurance written in this state during that calendar year by all insurers.*

An insurer that issues a policy pursuant to this section shall receive an expense allowance which shall be adequate for services rendered, as approved by the commissioner.

Subd. 4. [PENALTY.] *The commissioner may revoke the license of an insurer or agent for refusing or failing to provide an applicant with written refusal pursuant to subdivision 2 or for any other violation of this section or of the approved rules of a data service organization.*

Subd. 5. [ASSIGNED RISK RATES.] *Insureds served by the workers' compensation insurance assigned risk plan shall be charged premiums based upon a rating plan, rates, and a merit rating plan adopted by the commissioner by rule. This rating plan shall include a feature by which rates shall vary in relation to the number or proportion of insureds in the assigned risk plan in the preceding calendar year. This relationship shall be such that assigned risk rates shall vary upward as the number or proportion of insureds in the assigned risk plan decreases and downward as the number or proportion increases. Assigned risk premiums shall not be lower than the rates generally charged by insurers for the business.*

Sec. 15. Minnesota Statutes 1980, Section 60C.04, is amended to read:

60C.04 [CREATION.]

All insurers subject to the provisions of Laws 1971, Chapter 145 shall form an organization to be known as the Minnesota insurance guaranty association. All insurers defined as member insurers in section 60C.03, subdivision 6, are and shall remain members of the association as a condition of their authority to transact insurance business or to execute surety bonds in this state. The association shall perform its functions under a plan of operation established and approved under section 60C.07 and shall exercise its powers through a board of directors established under section 60C.08. For purposes of administration and assessment the association shall be divided into ~~four~~ *five* separate accounts: (1) the automobile insurance account, (2) the township mutuals account, (3) the fidelity and surety bond account ~~and~~, (4) the account for all other insurance to which Laws 1971, Chapter 145 applies, *and (5) the workers' compensation insurance account.*

Sec. 16. Minnesota Statutes 1980, Section 60C.09, Subdivision 2, is amended to read:

Subd. 2. [LIMITATION OF AMOUNT.] Payment of a covered claim is

limited to the amount by which the allowance on any claim exceeds $100 and is less than $300,000. *The limitation on the amount of payment for a covered claim does not apply to claims for workers' compensation insurance.* In no event is the association obligated to the policyholder or claimant in an amount in excess of the obligation of the insurer under the policy from which the claim arises.

Sec. 17. Minnesota Statutes 1980, Section 79.071, Subdivision 1, is amended to read:

Subdivision 1. The commissioner shall adopt a schedule of workers' compensation insurance rates for use in this state for each classification under which business is written *until January 1, 1986*. The schedule of rates shall not be excessive, inadequate, or unfairly discriminatory. In adopting a schedule of rates, the commissioner may act on the written petition of the association or any other interested party requesting that a hearing be held for modification of the schedule of rates. The commissioner may include the expense of a reasonable charge for the services of an agent of record, for the service of rejected risks as set forth in sections 79.24 to 79.27.

Sec. 18. [REPEALER.]

Minnesota Statutes 1980, Sections 79.071, Subdivision 1; 79.074, Subdivision 1; 79.075; 79.076; 79.08; 79.09; 79.11; 79.12; 79.13; 79.14; 79.15; 79.16; 79.17; 79.171; 79.18; 79.19; 79.20; 79.21; 79.22, Subdivision 1; 79.221; 79.23; 79.24; 79.25; 79.26; 79.27; 79.28; 79.29; 79.30; 79.31; 79.32; and 79.33 are repealed effective July 1, 1983. Minnesota Statutes 1980, Sections 79.071, Subdivisions 2, 3, 4, 5, 6, and 7; 79.072; and 79.073 are repealed effective January 1, 1986.

Sec. 19. [EFFECTIVE DATES.]

Sections 1, 2, 3, 15, 16, 17, and 18 are effective the day following final enactment. Sections 4 to 14 are effective July 1, 1983."

Amend the title as follows:

Page 1, delete lines 2 to 11 and insert:

"relating to workers' compensation; providing for transition to competitive rates; eliminating duties of rating bureau of Minnesota; creating and eliminating duties for the commissioner of insurance; amending Minnesota Statutes 1980, Sections 60C.04; 60C.09, Subdivision 2; and 79.071, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 79; repealing Minnesota Statutes 1980, Sections 79.071, Subdivisions 1, 2, 3, 4, 5, 6 and 7; 79.072; 79.073; 79.074, Subdivision 1; 79.075; 79.076; 79.08; 79.09; 79.11; 79.12; 79.13; 79.14; 79.15; 79.16; 79.17; 79.171; 79.18; 79.19; 79.20; 79.21; 79.22, Subdivision 1; 79.221; 79.23; 79.24; 79.25; 79.26; 79.27; 79.28; 79.29; 79.30; 79.31; 79.32; and 79.33."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Employment, to which was referred

S. F. No. 359: A bill for an act relating to workers' compensation; altering and establishing schedules of payment for permanent partial disability;

amending Minnesota Statutes 1980, Section 176.101, Subdivision 3.

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 1980, Section 15.052, Subdivision 1, is amended to read:

Subdivision 1. A state office of administrative hearings is created. The office shall be under the direction of a chief hearing examiner, who shall be learned in the law and appointed by the governor, with the advice and consent of the senate, for a term ending on June 30 of the sixth calendar year after appointment. The chief hearing examiner shall appoint additional hearing examiners *and compensation judges* to serve in his office as necessary to fulfill the duties prescribed in this section. All hearing examiners *and compensation judges* shall be in the classified service except that the chief hearing examiner shall be in the unclassified service, but may be removed from his position only for cause. Additionally, all hearing examiners *and compensation judges* shall have demonstrated knowledge of administrative procedures *and workers' compensation laws, as the case may be,* and shall be free of any political or economic association that would impair their ability to function officially in a fair and objective manner.

Sec. 2. Minnesota Statutes 1980, Section 15.052, Subdivision 3, is amended to read:

Subd. 3. All hearings of state agencies required to be conducted under this chapter shall be conducted by a hearing examiner *or compensation judge* assigned by the chief hearing examiner. In assigning hearing examiners *or compensation judges* to conduct such hearings, the chief hearing examiner shall attempt to utilize personnel having expertise in the subject to be dealt with in the hearing. Only hearing examiners *or compensation judges* learned in the law shall be assigned to contested case hearings *or workers' compensation hearings* . It shall be the duty of the hearing examiner to: (1) advise an agency as to the location at which and time during which a hearing should be held so as to allow for participation by all affected interests; (2) conduct only hearings for which proper notice has been given; (3) see to it that all hearings are conducted in a fair and impartial manner; and (4) make a report on each proposed agency action in which the hearing examiner functioned in an official capacity, stating his findings of fact and his conclusions and recommendations, taking notice of the degree to which the agency has (i) documented its statutory authority to take the proposed action, (ii) fulfilled all relevant substantive and procedural requirements of law or rule, and (iii) in rulemaking proceedings, demonstrated the need for and reasonableness of its proposed action with an affirmative presentation of facts.

Sec. 3. Minnesota Statutes 1980, Section 15A.083, is amended by adding a subdivision to read:

Subd. 7. [WORKERS' COMPENSATION COURT OF APPEALS.] *Salaries of judges of the workers' compensation court of appeals shall be the same as the base salary for district judges as provided in subdivision 1.*

Sec. 4. Minnesota Statutes 1980, Section 43.064, is amended to read:

43.064 [OTHER SALARIES SET BY COMMISSIONER OF EMPLOYEE RELATIONS.]

Notwithstanding any other law to the contrary, compensation for all unclassified positions in the executive branch not enumerated in the listing described in section 15A.081, shall be established by the commissioner except for the following: (1) positions listed in section 299D.03; (2) employees in the office of the governor whose salaries shall be determined by the governor; (3) employees in the office of the attorney general; (4) employees of the state board of investment; (5) positions in the state university system, the community college system, and in the higher education coordinating board whose primary duties consist of instructing and counseling students, directing academic programs of schools, divisions or departments of colleges and community colleges, or conducting research on academic subjects, or conducting academic support programs; and the positions of state university and community college presidents. Individual salaries for positions enumerated in clauses (3), (4) and (5) and for classified hearing examiners *and compensation judges* in the office of administrative hearings shall be determined by the attorney general, the state board of investment, the state university board, the state board for community colleges, the higher education coordinating board, and the chief hearing examiner, respectively, within the limits of salary plans which shall have been approved by the commissioner before becoming effective.

No provision of any subsequent law relating to salaries of state employees shall be construed as inconsistent with this section unless it is expressly provided in the subsequent act that the provisions of this section shall not be applicable or shall be superseded, amended, or repealed.

Sec. 5. Minnesota Statutes 1980, Section 60A.15, Subdivision 1, is amended to read:

Subdivision 1. [DOMESTIC AND FOREIGN COMPANIES OTHER THAN TOWN AND FARMERS' MUTUAL AND DOMESTIC MUTUALS OTHER THAN LIFE.] On or before April 15, *May 15*, June 15, ~~September 15~~ and December 15 of each year following December 31, 1971, every domestic and foreign company, except town and farmers' mutual insurance companies and domestic mutual insurance companies other than life, shall pay to the state treasurer through the commissioner of insurance quarterly installments of the insurer's total estimated tax for the current year based on a sum equal to two percent of the gross premiums less return premiums on all direct business received by it in this state, or by its agents for it, in cash or otherwise, during such year, excepting premiums written for marine insurance as specified in subdivision 6. If unpaid by such dates penalties of ten percent shall accrue thereon, and thereafter such sum and penalties shall draw interest at the rate of one percent per month until paid. Failure of a company to make quarterly payments of at least one-fourth of either (a) the total tax paid during the previous calendar year or (b) 80 percent of the actual tax for the current calendar year shall subject the company to the penalty and interest provided in this subdivision.

Sec. 6. Minnesota Statutes 1980, Section 79.01, Subdivision 2, is amended to read:

Subd. 2. [INSURER.] The word "insurer" means any insurance carrier authorized by license issued by the commissioner of insurance to transact the

business of workers' compensation insurance in this state. ~~For purposes of this subdivision "insurer" does not include a political subdivision providing self insurance or establishing a pool under section 471.981, subdivision 3.~~

Sec. 7. Minnesota Statutes 1980, Section 79.01, Subdivision 3, is amended to read:

Subd. 3. [INSURANCE.] The word "insurance" means workers' compensation insurance and insurance covering any part of the liability of an employer exempted from insuring his liability for compensation, as provided in section 176.181. ~~A program of self insurance, self insurance revolving fund or pool established under section 471.981 is not insurance for purposes of this subdivision.~~

Sec. 8. Minnesota Statutes 1980, Section 79.071, is amended by adding a subdivision to read:

Subd. 1a. Whenever the legislature has enacted amendments to the workers' compensation laws of this state which may require a reduction in the schedule of rates, or the commissioner determines that the loss experience of Minnesota workers' compensation insurers should result in a change in the existing schedule of rates, the commissioner may, on his own initiative, change the schedule of rates or order a hearing to determine whether and by what percentage the schedule of rates should be changed.

Sec. 9. Minnesota Statutes 1980, Section 79.071, is amended by adding a subdivision to read:

Subd. 8. In any case where an insurer bases its estimate of the amounts required to be reserved in any part on the operation of section 176.645, any assumption as to reserves required due to the operation of section 176.645, shall, for the purposes of determining rates, be offset by an assumption that the amount initially reserved shall be invested and yield a return in a percentage equal to the assumption as to the annual increase in the statewide average weekly wage. In addition, the commissioner shall, in determining rates, fully reflect the investment earnings of insurers which arise from the sale of workers' compensation insurance, either by use of at least a six percent discount rate in determining the reserves necessary for all claims, or by the use of an alternative methodology which the commissioner finds is more appropriate. Insurers shall provide the commissioner with any information he requests so as to arrive at the determination required by this subdivision.

Sec. 10. Minnesota Statutes 1980, Section 79.34, Subdivision 1, is amended to read:

Subdivision 1. A nonprofit association known as the workers' compensation reinsurance association is created, which may be incorporated under chapter 317 with all the powers of a corporation formed under that chapter, except that if the provisions of that chapter are inconsistent with sections 79.34 to 79.42 or any amendments thereto, sections 79.34 to 79.42 shall govern. Each insurer as defined by section 79.01, subdivision 2, shall as a condition of its authority to transact workers' compensation insurance in this state, be a member of the reinsurance association and shall be bound by the plan of operation of the reinsurance association; *provided, that all affiliated insurers within a holding company system as defined in sections 60D.01 to 60D.13 shall be considered a single entity for purposes of the exercise of all rights and duties of the mem-*

bership in the reinsurance association. Each self-insurer approved pursuant to section 176.181 *and each political subdivision which self-insures* shall, as a condition of its authority to self-insure workers' compensation liability in this state, be a member of the reinsurance association and shall be bound by its plan of operation*; provided, that (a) all affiliated companies within a holding company system as determined by the commissioner in a manner consistent with the standards and definitions in sections 60D.01 to 60D.13 shall be considered a single entity for purposes of the exercise of all rights and duties of membership in the reinsurance association, and (b) all group self-insurers granted authority to self-insure pursuant to section 176.181 shall be considered a single entity for purposes of the exercise of all the rights and duties of membership in the reinsurance association.* The reinsurance association shall not be deemed a state agency. Actions of the reinsurance association and its board of directors and actions of the commissioner of insurance with respect to the reinsurance association shall not be subject to chapter 15. The reinsurance association shall be exempt from taxation under the laws of this state and all property owned by the association shall be exempt from taxation. The reinsurance association shall not be obligated to make any payments or pay any assessments to any funds or pools established pursuant to this chapter or chapter 176 or any other law.

Sec. 11. Minnesota Statutes 1980, Section 79.34, Subdivision 2, is amended to read:

Subd. 2. The reinsurance association shall provide and each member shall accept indemnification for 100 percent of the amount of ultimate loss sustained in each loss occurrence relating to one or more claims arising out of a single compensable event, including aggregate losses related to a single event or occurrence which constitutes a single loss occurrence, under chapter 176 on and after October 1, 1979, in excess of $300,000 or $100,000 retention limit, at the option of the member. In case of occupational disease causing disablement on and after October 1, 1979, each person suffering such disablement shall be considered to be involved in a separate loss occurrence. Each retention limit shall be increased to the nearest $10,000, on January 1, 1981 and on each January 1 thereafter by the percentage increase in the statewide average weekly wage, as determined in accordance with section 176.011, subdivision 20, *except that on and after January 1, 1982, the higher retention limit shall no longer be indexed according to increases in the statewide average weekly wage but shall be an amount $200,000 greater than the lower retention limit in effect on January 1, 1982, and on each January 1, thereafter.* Ultimate loss as used in this section means the actual loss amount which a member is obligated to pay and which is paid by the member for workers' compensation benefits payable under chapter 176 and shall not include claim expenses, assessments, damages or penalties. A loss is incurred by the reinsurance association on the date on which the accident or other compensable event giving rise to the loss occurs, and a member is liable for a loss up to its retention limit in effect at the time that the loss was incurred, except that members which are determined by the reinsurance association to be controlled by or under common control with another member, and which are liable for claims from one or more employees entitled to compensation for a single compensable event, including aggregate losses relating to a single loss occurrence, may aggregate their losses and obtain indemnification from the reinsurance association for the aggregate losses in excess of the higher retention limit in effect at the time the loss was incurred.

Each member is liable for payment of its ultimate loss and shall be entitled to indemnification from the reinsurance association for the ultimate loss in excess of the member's retention limit in effect at the time of the loss occurrence.

A member that chooses the higher retention limit shall retain the liability for all losses below the higher retention limit itself and shall not transfer the liability to any other entity or reinsure or otherwise contract for reimbursement or indemnification for losses below its retention limit, except in the following cases: (a) when the reinsurance or contract is with another member which, directly or indirectly, through one or more intermediaries, control or are controlled by or are under common control with the member; (b) when the reinsurance or contract provides for reimbursement or indemnification of a member if and only if the total of all claims which the member pays or incurs, but which are not reimbursable or subject to indemnification by the reinsurance association for a given period of time, exceeds a dollar value or percentage of premium written or earned and stated in the reinsurance agreement or contract; (c) when the reinsurance or contract is a pooling arrangement with other insurers where liability of the member to pay claims pursuant to chapter 176 is incidental to participation in the pool and not as a result of providing workers' compensation insurance to employers on a direct basis under chapter 176; ~~or (d) any other reinsurance or contract approved by the commissioner upon his determination that the reinsurance or contract is not inconsistent with the bases for exception provided under clauses (a), (b) and (c) above~~ *(d) when the reinsurance or contract is limited to all the claims of a specific insured of a member which are reimbursed or indemnified by a reinsurer which, directly or indirectly, through one or more intermediaries, control or are controlled by or are under common control with the insured of the member and when any subsequent contract or reinsurance of the reinsurer relating to the claims of the insured of a member are not inconsistent with the bases of exception provided under clauses (a), (b) and (c) above; or (e) when the reinsurance or contract is limited to all claims of a specific self-insurer member which are reimbursed or indemnified by a reinsurer which, directly or indirectly, through one or more intermediaries, control or are controlled by or are under common control with the self-insurer member and when any subsequent contract or reinsurance of the reinsurer relating to the claims of the self-insurer member are not inconsistent with the bases for exception provided under clauses (a), (b) and (c) above.*

Whenever it appears to the commissioner that any member that chooses the higher retention limit has participated in the transfer of liability to any other entity or reinsured or otherwise contracted for reimbursement or indemnification of losses below its retention limit in a manner inconsistent with bases for exception provided under clauses (a), (b), (c), (d), and (e), the commissioner may, after giving notice and an opportunity to be heard, order the member to pay to the state of Minnesota an amount not to exceed twice the difference between the reinsurance premium for the higher and lower retention limit applicable to the member for each year in which the prohibited reinsurance or contract was in effect. Any member subject to this penalty provision shall continue to be bound by its selection of the higher retention limit for purposes of membership in the reinsurance association.

Sec. 12. Minnesota Statutes 1980, Section 79.35, is amended to read:

79.35 [DUTIES; RESPONSIBILITIES; POWERS.]

The reinsurance association shall do the following on behalf of its members:

(a) Assume 100 percent of the liability as provided in section 79.34;

(b) Establish procedures by which members shall promptly report to the reinsurance association each claim which, on the basis of the injury sustained, may reasonably be anticipated to involve liability to the reinsurance association if the member is held liable under chapter 176. Solely for the purpose of reporting claims, the member shall in all instances consider itself legally liable for the injury. The member shall advise the reinsurance association of subsequent developments likely to materially affect the interest of the reinsurance association in the claim;

(c) Maintain relevant loss and expense data relative to all liabilities of the reinsurance association and require each member to furnish statistics in connection with liabilities of the reinsurance association at the times and in the form and detail as may be required by the plan of operation;

(d) Calculate and charge to members a total premium sufficient to cover the expected liability which the reinsurance association will incur in excess of the higher retention limit but less than ~~$500,000~~ *the prefunded limit*, together with incurred or estimated to be incurred operating and administrative expenses *for the period to which this premium applies* and actual claim payments *to be made by members, during the period to which this premium applies*, for claims in excess of ~~$500,000 for the period to which this premium is applicable~~ *the prefunded limit in effect at the time the loss was incurred. The prefunded limit shall be $2,500,000 on and after October 1, 1979. The prefunded limit shall be increased to the nearest $100,000 on January 1, 1983, and on each January 1 thereafter by the percentage increase in the statewide average weekly wage, as determined in accordance with section 176.011, subdivision 20.* Each member shall be charged a proportion of the total premium in an amount equal to its proportion of the total standard earned premium of all members during the period to which the reinsurance association premium will apply, as determined by the commissioner. Each member exercising the lower retention option shall also be charged a premium established by the board as sufficient to cover incurred or estimated to be incurred claims for the liability the reinsurance association is likely to incur between the lower and higher retention limits for the period to which the premium applies. Each ~~member's premium~~ *member* shall ~~include an amount~~ *also be charged a premium* determined by the board to equitably distribute excess or deficient premiums from previous periods *including any excess or deficient premiums resulting from a retroactive change in the prefunded limit*. An equitable basis for determining standard earned premium for self-insurers shall be established by the commissioner. The premiums charged to members shall not be unfairly discriminatory as defined in section 79.074. All premiums shall be approved by the commissioner;

(e) Require and accept the payment of premiums from members of the reinsurance association;

(f) Receive and distribute all sums required by the operation of the reinsurance association;

(g) Establish procedures for reviewing claims procedures and practices of members of the reinsurance association. If the claims procedures or practices of a member are considered inadequate to properly service the liabilities of the

reinsurance association, the reinsurance association may undertake, or may contract with another person, including another member, to adjust or assist in the adjustment of claims which create a potential liability to the association and may charge the cost of the adjustment to the member; and

(h) Provide each member of the reinsurance association with an annual report of the operations of the reinsurance association in a form the board of directors may specify.

Sec. 13. Minnesota Statutes 1980, Section 79.36, is amended to read:

79.36 [ADDITIONAL POWERS.]

In addition to the powers granted in section 79.35, the reinsurance association may do the following:

(a) Sue and be sued. A judgment against the reinsurance association shall not create any direct liability against the individual members of the reinsurance association. The reinsurance association shall provide in the plan of operation for the indemnification, to the extent provided in the plan of operation, of the members, members of the board of directors of the reinsurance association, and officers, employees and other persons lawfully acting on behalf of the reinsurance association;

(b) Reinsure all or any portion of its potential liability, including potential liability in excess of ~~$500,000~~ *the prefunded limit*, with reinsurers licensed to transact insurance in this state or otherwise approved by the commissioner;

(c) Provide for appropriate housing, equipment, and personnel as may be necessary to assure the efficient operation of the reinsurance association;

(d) Contract for goods and services, including but not limited to independent claims management, actuarial, investment, and legal services from others within or without this state to assure the efficient operation of the reinsurance association;

(e) Adopt operating rules, consistent with the plan of operation, for the administration of the reinsurance association, enforce those operating rules, and delegate authority as necessary to assure the proper administration and operation of the reinsurance association;

(f) Intervene in or prosecute at any time, including but not limited to intervention or prosecution as subrogee to the member's rights in a third party action, any proceeding under this chapter or chapter 176 in which liability of the reinsurance association may, in the opinion of the board of directors of the reinsurance association or its designee, be established, or the reinsurance association affected in any other way;

(g) The net proceeds derived from intervention or prosecution of any subrogation interest, or other recovery, shall first be used to reimburse the reinsurance association for amounts paid or payable pursuant to this chapter, together with any expenses of recovery, including attorney's fees, and any excess shall be paid to the member or other person entitled thereto, as determined by the board of directors of the reinsurance association, unless otherwise ordered by a court.

(h) Hear and determine complaints of a company or other interested party concerning the operation of the reinsurance association; and

(i) Perform other acts not specifically enumerated in this section which are necessary or proper to accomplish the purposes of the reinsurance association and which are not inconsistent with sections 79.34 to 79.42 or the plan of operation.

Sec. 14. Minnesota Statutes 1980, Section 175.007, is amended to read:

175.007 [ADVISORY COUNCIL ON WORKERS' COMPENSATION; CREATION.]

Subdivision 1. The commissioner of labor and industry shall appoint ~~, after consultation with the judges of the workers' compensation court of appeals,~~ an advisory council on workers' compensation, which shall consist of five representatives of employers and five representatives of employees and three members representing the general public. ~~The judges of the workers' compensation court of appeals shall be nonvoting members of the advisory council.~~ The council shall expire and the terms, compensation and removal of members shall be as provided in section 15.059.

Subd. 2. The advisory council shall study and present to the legislature and the governor, on or before November 15 of each even numbered year, its findings relative to the costs, methods of financing, and the formula to be used to provide supplementary compensation to workers who have been determined permanently and totally disabled prior to July 1, 1969, and its findings relative to alterations in the scheduled benefits for permanent partially disabled, and other aspects of the workers' compensation act. *The council shall also study and present to the legislature and the governor on or before October 15 of 1981 and by October 15 of each even-numbered year thereafter a report on the financial, administrative and personnel needs of the workers' compensation division.*

Sec. 15. Minnesota Statutes 1980, Section 175.101, is amended by adding a subdivision to read:

Subd. 4. Outside consultants shall be retained by the commissioner of the department of labor and industry to design measures to improve the record-keeping and information systems procedures of the department. The consultants shall assist the commissioner in implementation, and all studies shall be completed by January 1, 1982, at which time a report shall be made to the governor and the legislature. Expenditures for any computer facilities shall not be subject to the requirements of section 16.90 to 16.965, with the exception of section 16.95 which shall apply.

Sec. 16. Minnesota Statutes 1980, Section 175.11, Subdivision 1, is amended to read:

Subdivision 1. The workers' compensation division ~~and the workers' compensation court of appeals~~ shall ~~each~~ have a seal for the authentication of its orders and proceedings, upon which shall be inscribed the words, "Workers' Compensation Division of Minnesota" ~~or "Workers' Compensation Court of Appeals of Minnesota" respectively~~, as the division ~~or workers' compensation court of appeals~~ may prescribe. The courts of this state shall take judicial notice of such seal ~~and of the signatures of the judges of the workers' compensation court of appeals~~; and in all cases copies of orders, proceedings, or records of the division ~~or workers' compensation court of appeals~~, certified by ~~a judge of the workers' compensation court of appeals under his seal~~ *the commissioner*,

shall be received in evidence, with the same force and effect given to the originals.

Sec. 17. Minnesota Statutes 1980, Section 175.14, is amended to read:

175.14 [TRAVELING EXPENSES.]

The ~~workers' compensation judges of the court of appeals and the~~ commissioner of labor and industry and the officers, assistants, and employees of the ~~workers' compensation court of appeals and~~ department shall be paid out of the state treasury their actual and necessary expenses while traveling on the business of the ~~workers' compensation court of appeals or~~ department. Vouchers for such expenses shall be itemized and sworn to by the persons incurring the expense, and be subject to the approval of ~~the workers' compensation court of appeals or~~ the commissioner of labor and industry.

Sec. 18. Minnesota Statutes 1980, Section 175.17, is amended to read:

175.17 [POWERS AND DUTIES, ~~WORKERS' COMPENSATION COURT OF APPEALS, AND~~ COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY.]

(1) ~~The workers' compensation court of appeals shall principally exercise appellate jurisdiction under the laws relating to workers' compensation and the laws governing employees of the state, a county, or other governmental subdivision who contract tuberculosis;~~

~~(2)~~ The commissioner of the department of labor and industry shall administer the laws relating to workers' compensation and the laws governing employees of the state, a county, or other governmental subdivisions who contract tuberculosis;

~~(3)~~ *(2)* The ~~workers' compensation court of appeals and the~~ commissioner of the department of labor and industry shall ~~jointly~~ prescribe reasonable and proper rules and regulations governing rules of practice before the workers' compensation division in nonappellate matters *and matters which are not before a compensation judge* ;

~~(4) The workers' compensation court of appeals shall prescribe rules of practice before it in appellate matters;~~

~~(5)~~ *(3)* The commissioner of the department of labor and industry shall collect, collate, and publish statistical and other information relating to work under ~~its~~ *the department's* jurisdiction and make public reports in his judgment necessary, including such other reports as may be required by law;

~~(6)~~ *(4)* The commissioner of the department of labor and industry shall establish and maintain branch offices as needed for the conduct of the affairs of the workers' compensation division.

Sec. 19. [175A.01] [CREATION.]

Subdivision 1. [MEMBERSHIP, APPOINTMENT, QUALIFICATIONS.] *The workers' compensation court of appeals as previously constituted is reconstituted as an independent agency of the executive branch.*

The workers' compensation court of appeals shall consist of five judges each serving in the unclassified service of the state civil service. The five judges shall be learned in the law. Each judge of the workers' compensation court of

appeals shall be appointed by the governor, by and with the advice and consent of the senate, for a term of six years commencing at the expiration of the preceding term. Any vacancy shall be filled by the governor for the unexpired term, subject to confirmation by the senate. The terms of the judges shall end on the first Monday in January. The terms of the judges shall be staggered. The judges of the workers' compensation court of appeals as now created shall be the judges of the workers' compensation court of appeals until the expiration of the terms for which they have been appointed and qualified. They shall be selected on the basis of their experience with and knowledge of workers' compensation and the workers' compensation laws of Minnesota. The judges of the workers' compensation court of appeals shall be subject to the provisions of the Minnesota Constitution, Article VI, Section 6, the jurisdiction of the board on judicial standards, as provided in sections 490.15 and 490.16, and the provisions of the code of judicial conduct.

Subd. 2. [JURISDICTION.] *The workers' compensation court of appeals shall have statewide jurisdiction. Except for an appeal to the supreme court or any other appeal allowed under this subdivision, the workers' compensation court of appeals shall be the sole, exclusive, and final authority for the hearing and determination of all questions of law and fact arising under the workers' compensation laws of the state in those cases that have been appealed to the workers' compensation court of appeals and in any case that has been transferred by the district court to the workers' compensation court of appeals. The workers' compensation court of appeals shall have no jurisdiction in any case that does not arise under the workers' compensation laws of the state or in any criminal case.*

Subd. 3. [OATH.] *Each judge of the workers' compensation court of appeals before entering upon the duties of his office, shall take the oath prescribed by law.*

Sec. 20. [175A.02] [OFFICERS.]

The judges of the workers' compensation court of appeals shall choose a chief judge from among their number. The chief judge shall appoint one of the judges to serve as the administrator, who shall be custodian of the court's files and records and shall coordinate and make hearing assignments. The administrator may choose two employees from among those transferred pursuant to section 107. The judge who is appointed the administrator may delegate the duties of administrator to the two employees whom he has chosen and may choose one of those employees to act in his place as the assistant administrator. The clerk of district court in each county shall be the clerk of the workers' compensation court of appeals in that county. Filing fees and library fees deposited with the clerk of district court in his capacity as clerk of the workers' compensation court of appeals and in cases originally commenced in district court and transferred to the workers' compensation court of appeals shall be retained by the clerk of district court. The workers' compensation court of appeals clerk in each county shall be subject to the supervision of the administrator in workers' compensation court of appeals matters.

Sec. 21. [175A.03] [POLITICAL NONPARTICIPATION.]

Every judge of the workers' compensation court of appeals and every officer or employee of the workers' compensation court of appeals who by solicitation or otherwise exerts his influence, directly or indirectly, to induce other officers

or employees of the state to adopt his political views, or to favor any particular person or candidate for office, or to contribute funds for campaign or political purposes, shall be removed from his office or position by the authority appointing him.

Sec. 22. [175A.04] [OFFICE.]

The workers' compensation court of appeals shall maintain its main office within the Minneapolis-St. Paul metropolitan area and be provided by the commissioner of administration with suitable rooms and necessary furniture. The offices of the workers' compensation court of appeals and the department of labor and industry shall be in separate buildings. They may hold sessions at any other place in the state when their convenience and that of the parties interested so requires.

Sec. 23. [175A.05] [QUORUM.]

A majority of the judges of the workers' compensation court of appeals shall constitute a quorum for the exercise of the powers conferred and the duties imposed on the workers' compensation court of appeals and all appeals shall be heard by at least three of the five judges. A vacancy shall not impair the right of the remaining judges of the workers' compensation court of appeals to exercise all the powers and perform all of the duties of the workers' compensation court of appeals.

Sec. 24. [175A.06] [SESSIONS TO BE PUBLIC.]

The hearings of the workers' compensation court of appeals shall be open to the public and may be adjourned from time to time. All the proceedings of the court shall be shown on its records, which shall be public records.

Sec. 25. [175A.07] [POWERS.]

Subdivision 1. [PROCESS; PROCEDURES.] *The workers' compensation court of appeals shall keep a full and true record of all its proceedings, issue all necessary processes, writs, warrants, and notices which the workers' compensation court of appeals is required or authorized to issue. Notices and other documents required to be served or filed on the workers' compensation court of appeals shall be served on the administrator of the court or his delegate.*

Subd. 2. [PERSONNEL.] *The judges of the workers' compensation court of appeals shall appoint in the manner provided by law all personnel required by the workers' compensation court of appeals. Each workers' compensation court of appeals judge may appoint a secretarial assistant and a law clerk when necessary, each of whom shall be in the classified service of the state civil service.*

Subd. 3. [TUBERCULOSIS CASES.] *The workers' compensation court of appeals shall exercise appellate jurisdiction under the laws relating to workers' compensation and the laws governing employees of the state, a county, or other governmental subdivision who contract tuberculosis.*

Subd. 4. [POWER TO REVIEW.] *The workers' compensation court of appeals shall have the powers to review as provided in chapter 176.*

Subd. 5. [RULES.] *The workers' compensation court of appeals shall prescribe rules of practice before it in appellate matters.*

Sec. 26. [175A.08] [SEAL.]

The workers' compensation court of appeals shall have a seal for the authentication of its orders and proceedings, upon which shall be inscribed the words, "Workers' Compensation Court of Appeals of Minnesota" as the court of appeals may prescribe. The courts of this state shall take judicial notice of such seal and of the signatures of the judges of the workers' compensation court of appeals; and in all cases copies of orders, proceedings, or records of the workers' compensation court of appeals, certified by a judge of the workers' compensation court of appeals under his seal, shall be received in evidence, with the same force and effect given to the originals.

Sec. 27. [175A.09] [TRAVEL EXPENSES.]

The workers' compensation judges of the court of appeals and the officers, assistants, and employees of the workers' compensation court of appeals shall be paid out of the state treasury their actual and necessary expenses while traveling on the business of the workers' compensation court of appeals. Vouchers for such expenses shall be itemized and sworn to by the persons incurring the expense, and be subject to the approval of the workers' compensation court of appeals.

Sec. 28. [175A.10] [APPEALS AND REVIEWS.]

Unless an appeal is taken to the district court, the right of appeal provided in chapter 176 shall be the exclusive remedy for reviewing the actions of the commissioner of labor and industry, the workers' compensation division or a compensation judge. On any appeal taken by an employee or an employer or insurer, the decision of the workers' compensation court of appeals, or the decision of the supreme court on its review, as the case may be, shall be final and conclusive on all parties to the proceedings as to all matters at issue determined by a decision. In all cases the decision of the workers' compensation court of appeals on appeal, or of the supreme court on review, as the case may be, shall stand in lieu of the order of the commissioner or the division or the compensation judge from whom the appeal was taken.

Sec. 29. [176.001] [INTENT OF THE LEGISLATURE.]

It is the intent of the legislature that this chapter is designed to assure a quick and efficient system for the delivery of indemnity and medical benefits to injured workers. These benefits shall be provided at a reasonable cost to employers who are subject to the provisions of this chapter.

Sec. 30. Minnesota Statutes 1980, Section 176.021, Subdivision 1, is amended to read:

Subdivision 1. [LIABILITY FOR COMPENSATION.] Except as excluded by this chapter all employers and employees are subject to the provisions of this chapter.

Every ~~such~~ employer is liable for compensation according to the provisions of this chapter and is liable to pay compensation in every case of personal injury or death of his employee arising out of and in the course of employment without regard to the question of negligence ~~, unless~~ *. The burden of proof of these facts is upon the employee.*

If the injury was intentionally self-inflicted or when the intoxication of the employee is the proximate cause of the injury *, then the employer is not liable for compensation*. The burden of proof of ~~such~~ *these* facts is upon the

employer.

Sec. 31. Minnesota Statutes 1980, Section 176.021, is amended by adding a subdivision to read:

Subd. 1a. [BURDEN OF PROOF.] *In all matters under the provisions of this chapter regarding questions of fact, proof of the facts in question shall be by a preponderance of the evidence. Preponderance of the evidence means evidence which, when produced in substantiation of an issue and when weighed against the evidence opposing the issue, has more convincing force and greater probability of truth.*

Questions of law shall be determined in accordance with the rules of construction generally applied to all other civil matters.

Sec. 32. Minnesota Statutes 1980, Section 176.021, Subdivision 3, is amended to read:

Subd. 3. [COMPENSATION, COMMENCEMENT OF PAYMENT.] All employers shall commence payment of the compensation at the time and in the manner prescribed by this chapter without the necessity of any agreement or any order of the division. Except those of medical, burial, and other non-periodic benefits, payments shall be made as nearly as may be at the intervals when the wage was payable; provided, however, that payments for permanent partial disability in cases in which return to work occurs prior to four weeks from the date of injury shall be made by lump sum payment, and the provisions of section 176.165 shall not apply, without the necessity of any agreement, or order of the division, upon cessation of payments for temporary total disability and upon the employee's return to work. In cases in which *there has been a cessation of payments for temporary total disability but a* return to work does not occur prior to four weeks after injury *although it has been medically determined that the employee is able to return to work* , payments for permanent partial disability shall be made ~~according to~~ *at* the ~~following schedule: 25 percent of the amount due after four weeks from the date of injury, 25 percent after eight weeks, 25 percent after 12 weeks and 25 percent after 16 weeks,~~ *same intervals as temporary total payments were made based on the amount due* provided that any and all payments remaining shall be paid ~~upon the cessation of payments for temporary total disability and~~ upon the employee's return to work. *If the employer does not furnish the worker with work he can do in his permanently partially disabled condition and he is unable to procure such work with another employer, after closure of a rehabilitation plan by the workers' compensation division's rehabilitation services, the employee shall be paid the full lump sum payment for his or her permanent partial disability.* If doubt exists at ~~that~~ *the* time *of any payment for permanent partial disability* as to the eventual permanent partial disability, payment shall be then made for the minimum permanent partial disability ascertainable in lump sum, and further lump sum payment shall be made upon any later ascertainment of greater permanent partial disability. At the time of the tender of the lump sum payment, the employee and employer shall be furnished with a copy of the medical report upon which the payment is based, together with a statement by the insurer as to whether the tendered payment is for minimum permanent partial disability or final and eventual disability. Compensation for permanent partial disability is payable concurrently and in addition to compensation for temporary total disability and temporary partial disability as set forth in section

176.101, subdivisions 1 and 2, and for permanent total disability as defined in section 176.101, subdivision 5; and such compensation for permanent partial disability shall not be deferred pending completion of payment for temporary disability or permanent total disability, and no credit shall be taken for payment of permanent partial disability against liability for *temporary total or* permanent total disability. Liability on the part of an employer or his insurer for disability of a temporary total, temporary partial, and permanent total nature shall be considered as a continuing product and part of the employee's inability to earn or reduction in earning capacity due to injury or occupational disease and shall be payable accordingly. Permanent partial disability is payable for functional loss of use or impairment of function, permanent in nature, and payment therefore shall be separate, distinct, and in addition to payment for any other compensation. The right to receive temporary total, temporary partial, permanent partial or permanent total disability payments shall vest in the injured employee or his dependents under this chapter or, if none, in his legal heirs at the time the disability can be ascertained and the right shall not be abrogated by the employee's death prior to the making of the payment.

Sec. 33. Minnesota Statutes 1980, Section 176.021, is amended by adding a subdivision to read:

Subd. 8. [AMOUNTS ADJUSTED.] *Amounts of compensation payable by an employer or his insurer under this chapter may be adjusted by increasing an amount over 50 cents to the next higher dollar amount and by reducing an amount of 50 cents or less to the next lower dollar amount.*

Sec. 34. Minnesota Statutes 1980, Section 176.041, is amended by adding a subdivision to read:

Subd. 6. [COMMISSIONER OF LABOR AND INDUSTRY; ADDITIONAL POWERS.] *Whenever an employee is covered by any one or more of subdivisions 2, 3 and 4, the commissioner of labor and industry may enter into agreements with the appropriate agencies of other states for the purpose of resolving conflicts of jurisdiction or disputes concerning workers' compensation coverage. An agreement entered into pursuant to this subdivision may be appealed in the same manner and within the same time as if the appeal were from an order or decision of a compensation judge to the workers' compensation court of appeals.*

Sec. 35. Minnesota Statutes 1980, Section 176.061, Subdivision 1, is amended to read:

Subdivision 1. [ELECTION OF REMEDIES.] Where an injury or death for which ~~compensation is~~ *benefits are* payable occurs under circumstances which create a legal liability for damages on the part of a party other than the employer and at the time of such injury or death that party was insured or self-insured in accordance with this chapter, the employee, in case of injury, or his dependents, in case of death, may proceed either at law against that party to recover damages or against the employer for ~~compensation~~ *benefits*, but not against both.

Sec. 36. Minnesota Statutes 1980, Section 176.061, Subdivision 3, is amended to read:

Subd. 3. [ELECTION TO RECEIVE ~~COMPENSATION~~ *BENEFITS* FROM EMPLOYER; SUBROGATION.] If the employee or his dependents

elect to receive ~~compensation~~ *benefits* from the employer, *or the special compensation fund,* such employer, *or special compensation fund,* is subrogated to the right of the employee or his dependents to recover damages against the other party. The employer, *or the attorney general on behalf of the special compensation fund,* may bring legal proceedings against such party and recover the aggregate amount of ~~compensation~~ *benefits* payable ~~by him~~ to *or on behalf of* the employee or his dependents, together with ~~the~~ costs, disbursements, and reasonable attorney's fees of the action.

If an action as provided in this chapter prosecuted by the employee, the employer, or ~~both~~ *the attorney general on behalf of the special compensation fund,* jointly against the third person, results in judgment against the third person, or settlement by the third person, the employer shall have no liability to reimburse or hold the third person harmless on the judgment or settlement in absence of a written agreement to do so executed prior to the injury.

Sec. 37. Minnesota Statutes 1980, Section 176.061, Subdivision 4, is amended to read:

Subd. 4. [APPLICATION OF SUBDIVISIONS 1, 2, *AND* 3.] The provisions of subdivisions 1, 2, and 3 apply only where the employer liable for ~~compensation~~ *benefits* and the other party legally liable for damages are insured or self-insured and engaged in the due course of business, (a) in furtherance of a common enterprise, or (b) the accomplishment of the same or related purposes in operation on the premises where the injury was received at the time thereof.

Sec. 38. Minnesota Statutes 1980, Section 176.061, Subdivision 5, is amended to read:

Subd. 5. [CUMULATIVE REMEDIES.] Where an injury or death for which ~~compensation is~~ *benefits are* payable is caused under circumstances which created a legal liability for damages on the part of a party other than the employer, that party being then insured or self-insured in accordance with this chapter, and the provisions of subdivisions 1, 2, 3, and 4 do not apply, or the party other than the employer is not then insured or self-insured as provided by this chapter, legal proceedings may be taken by the employee or his dependents in accordance with clause (a), or by his employer, *or by the attorney general on behalf of the special compensation fund,* in accordance with clause (b), against the other party to recover damages, notwithstanding the payment by the employer, *or the special compensation fund* or ~~his~~ *their* liability to pay ~~compensation~~ *benefits.*

(a) If an action against the other party is brought by the injured employee or his dependents and a judgment is obtained and paid or settlement is made with the other party, the employer *or the special compensation fund* may deduct from the ~~compensation~~ *benefits* payable ~~by him~~ the amount actually received by the employee or dependents *or paid on their behalf* in accordance with subdivision 6. If the action is not diligently prosecuted or if the court deems it advisable in order to protect the interests of the employer, *or the special compensation fund,* upon application the court may grant the employer, *or the special compensation fund,* the right to intervene in any such action for the prosecution thereof. If the injured employee or his dependents ~~agree to receive compensation~~ *or any party on their behalf receives benefits* from the employer, *or the special compensation fund,* or institute proceedings to recover the same

or accept from the employer, *or the special compensation fund,* any payment on account of the ~~compensation~~ *benefits*, the employer, *or the special compensation fund,* is subrogated to the rights of the employee or his dependents. This employer, *or the attorney general on behalf of the special compensation fund,* may maintain an action or continue an action already instituted. This action may be maintained in the name of the employee or the names of the dependents or in the name of the employer *or in the name of the attorney general on behalf of the special compensation fund* against such other party for the recovery of damages. If the action is not diligently prosecuted by the employer, *or the attorney general on behalf of the special compensation fund,* or the court deems it advisable in order to protect the interest of the employee, the court, upon application, may grant to the employee or his dependents the right to intervene in the action for the prosecution thereof. The proceeds of such action or settlement thereof shall be paid in accordance with subdivision 6.

(b) If an employer, being then insured, sustains damages due to a change in workers' compensation insurance premiums, whether by a failure to achieve a decrease or by a retroactive or prospective increase, as a result of the injury or death of his employee which was caused under circumstances which created a legal liability for damages on the part of a party other than the employer, the employer, notwithstanding other remedies provided, may maintain an action against the other party for recovery of such premiums. This cause of action may be brought either by joining in an action described in clause (a) or by a separate action. Damages recovered under this clause shall be for the benefit of the employer and the provisions of subdivision 6 shall not be applicable to such damages.

(c) The third party is not liable to any person other than the employee or his dependents or his employer for any damages resulting from the injury or death.

A co-employee working for the same employer is not liable for a personal injury incurred by another employee unless the injury resulted from the gross negligence of the co-employee or was intentionally inflicted by the co-employee.

Sec. 39. Minnesota Statutes 1980, Section 176.061, Subdivision 6, is amended to read:

Subd. 6. [COSTS, ATTORNEY FEES, EXPENSES.] The proceeds of all actions for damages or settlement thereof under this section, except for damages received under subdivision 5, clause (b) received by the injured employee or his dependents or by the employer, *or the special compensation fund,* as provided by subdivision 5, shall be divided as follows:

(a) After deducting the reasonable cost of collection, including but not limited to attorneys fees and burial expense in excess of the statutory liability, then

(b) One-third of the remainder shall in any event be paid to the injured employee or his dependents, without being subject to any right of subrogation.

(c) Out of the balance remaining, the employer, *or the special compensation fund,* shall be reimbursed in an amount equal to all ~~compensation~~ *benefits* paid under this chapter to *or on behalf of* the employee or his dependents by the employer, *or special compensation fund,* less the product of the costs deducted

under clause (a) divided by the total proceeds received by the employee or his dependents from the other party multiplied by all ~~compensation~~ *benefits* paid by the employer, *or the special compensation fund,* to the employee or his dependents.

(d) Any balance remaining shall be paid to the employee or his dependents, and shall be a credit to employer, *and the special compensation fund,* for any ~~compensation~~ *benefits* which employer is obligated to pay, but has not paid, and for any ~~compensation~~ *benefits* that such employer shall be obligated to make in the future.

There shall be no reimbursement or credit to employer, *or special compensation fund,* for interest or penalties.

Sec. 40. Minnesota Statutes 1980, Section 176.061, Subdivision 7, is amended to read:

Subd. 7. [MEDICAL TREATMENT.] The liability of an employer , *or special compensation fund,* for medical treatment under this chapter shall not be affected by the fact that his employee was injured through the fault or negligence of a third party, against whom the employee may have a cause of action which may be sued under this chapter, but the employer, *or the attorney general on behalf of the special compensation fund,* shall have a separate additional cause of action against such third party to recover any amounts paid by him for medical treatment under this section resulting from the negligence of such third party. This separate cause of action of the employer, *or the attorney general on behalf of the special compensation fund,* may be asserted in a separate action brought by the employer, *or the attorney general on behalf of the special compensation fund,* against such third party or in the action commenced by the employee or the employer, *or the attorney general on behalf of the special compensation fund,* under this chapter, but in the latter case the cause of action shall be separately stated, the amount awarded thereon shall be separately set out in the verdict, and the amount recovered by suit or otherwise as reimbursement for medical expenses shall be for the benefit of the employer, *or the special compensation fund,* to the extent that the employer, *or the special compensation fund,* has paid or will be required to pay for medical treatment of the injured employee and shall not affect the amount of periodic compensation to be paid.

Sec. 41. Minnesota Statutes 1980, Section 176.081, Subdivision 1, is amended to read:

Subdivision 1. No claim for legal services or disbursements pertaining to any demand made or suit or proceeding brought under the provisions of this chapter is an enforceable lien against the compensation or is valid or binding in any other respect unless approved in writing by the commissioner of the department of labor and industry, compensation judge, or workers' compensation court of appeals, if the claim arises out of a proceeding for compensation under this chapter, or by the judge presiding at the trial in an action for damages, or by a judge of the district court in a settlement of a claim for damages without trial. A compensation judge shall in matters before him *including settlement proceedings* have authority to approve a fee of up to 25 percent of the first $4,000 of compensation awarded to the employee and up to 20 percent of the next $20,000 of compensation awarded to employee. The workers' compensation court of appeals judge shall have authority only to

approve fees in settlements upon appeal before them up to 25 percent of the first $4,000 of compensation awarded to the employee and up to 20 percent of the next $20,000 of compensation awarded to the employee. If the employer or his insurer or the defendant is given written notice of such claims for legal services or disbursements, the same shall be a lien against the amount paid or payable as compensation, subject to determination of the amount and approval provided by this chapter. *Provided, however, that in no case shall fees be calculated on the basis of any undisputed portion of compensation awards. Allowable fees under this chapter shall be based solely upon genuinely disputed portions of claims.*

Sec. 42. Minnesota Statutes 1980, Section 176.081, is amended by adding a subdivision to read:

Subd. 7a. Any time more than one day before a matter is heard, a party litigating a claim made pursuant to this chapter may serve upon the adverse party a reasonable offer of settlement for the amount claimed, or to the effect specified in the offer, with costs and disbursements then accrued. If before the hearing the adverse party serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance, together with the proof of service thereof, and thereupon judgment shall be entered.

If an offer by an employer or insurer is not accepted by the employee, it shall be deemed withdrawn and evidence thereof is not admissible, except in a proceeding to determine attorney fees. Notwithstanding the provisions of subdivision 7, if the judgment finally obtained by the employee is not more favorable than the offer, the employee must pay the attorney's fees awarded pursuant to this section.

If an offer by an employee is not accepted by the employer or insurer, it shall be deemed withdrawn and evidence thereof is not admissible, except in a proceeding to determine attorney fees. Notwithstanding the provisions of subdivision 7, if the judgment finally obtained by the employee is at least as favorable as the offer, the employer shall pay an additional 25 percent, over the amount provided in subdivision 7, of that portion of the attorney's fee which has been awarded pursuant to this section that is in excess of $250.

The fact that an offer is made but not accepted does not preclude a subsequent offer.

Sec. 43. Minnesota Statutes 1980, Section 176.081, is amended by adding a subdivision to read:

Subd. 9. Whenever an attorney is hired by an employee to provide legal services with respect to a claim for compensation made pursuant to this chapter, the attorney shall prepare a retainer agreement in which the provisions of this section are specifically set out. The retainer agreement shall provide a space for the signature of the employee which when signed shall indicate that the employee has read, had explained and understands the statutory fee provisions.

Sec. 44. Minnesota Statutes 1980, Section 176.081, is amended by adding a subdivision to read:

Subd. 10. An attorney who violates the provisions of this chapter with respect to fees allowed for legal services in connection with any demand made

or suit or proceeding brought under the provisions of this chapter is guilty of a gross misdemeanor.

Sec. 45. Minnesota Statutes 1980, Section 176.101, Subdivision 3, is amended to read:

Subd. 3. [PERMANENT PARTIAL DISABILITY.] For permanent partial disability compensation shall be that named in the following schedule, subject to a maximum compensation equal to the statewide weekly wage:

(1) For the loss of a thumb, 66 2/3 percent of the daily wage at the time of injury during 65 weeks;

(2) For the loss of a first finger, commonly called index finger, 66 2/3 percent of the daily wage at the time of injury during 40 weeks;

(3) For the loss of a second finger, 66 2/3 percent of the daily wage at the time of injury during 35 weeks;

(4) For the loss of a third finger, 66 2/3 percent of the daily wage at the time of injury during 25 weeks;

(5) For the loss of a fourth finger, commonly called the little finger, 66 2/3 percent of the daily wage at the time of injury during 20 weeks;

(6) The loss of the first phalange of the thumb or of any finger, is considered equal to the loss of one-half of the thumb or finger and compensation shall be paid at the prescribed rate during one-half the time specified for the loss of the thumb or finger;

(7) The loss of one and one-half or more phalanges is considered equal to the loss of the entire finger or thumb; but in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand;

(8) For the loss of a great toe, 66 2/3 percent of the daily wage at the time of injury during 35 weeks;

(9) For the loss of a toe other than a great toe, 66 2/3 percent of the daily wage at the time of injury during 15 weeks;

(10) The loss of the first phalange of any toe is considered equal to the loss of one-half of the toe, and compensation shall be paid at the prescribed rate during one-half the time specified for the loss of the toe;

(11) The loss of one and one-half or more phalanges is considered equal to the loss of the entire toe;

(12) For the loss of a hand, not including the wrist movement, 66 2/3 percent of the daily wage at the time of injury during 195 weeks;

(13) For the loss of a hand, including wrist movement, 66 2/3 percent of the daily wage at the time of injury during 220 weeks;

(14) For the loss of an arm, 66 2/3 percent of the daily wage at the time of injury during 270 weeks;

(15) Amputation of the arm below the elbow is considered the loss of a hand, including wrist movement, if enough of the forearm remains to permit the use of an effective artificial member, otherwise it is considered the loss of an arm;

(16) For the loss of a foot, not including ankle movement, 66 2/3 percent of the daily wage at the time of injury during 140 weeks;

(17) For the loss of a foot, including ankle movement, 66 2/3 percent of the daily wage at the time of injury during 165 weeks;

(18) For the loss of a leg, if enough of the leg remains to permit the use of an effective artificial member, 66 2/3 percent of the daily wage at the time of injury during 195 weeks;

(19) For the loss of a leg so close to the hip that no effective artificial member can be used, 66 2/3 percent of the daily wage at the time of injury during 220 weeks;

(20) Amputation of a leg below the knee is considered as equal to the loss of a foot, including ankle movement, if enough of the lower leg remains to permit the use of an effective artificial member, otherwise it is considered as equal to the loss of a leg;

(21) For the loss of an eye, 66 2/3 percent of the daily wage at the time of injury during 160 weeks;

(22) For the complete permanent loss of hearing in one ear, 66 2/3 percent of the daily wage at the time of injury during 85 weeks;

(23) For the complete permanent loss of hearing in both ears, 66 2/3 percent of the daily wage at the time of injury during 170 weeks;

(24) For the loss of an eye and a leg, 66 2/3 percent of the daily wage at the time of injury during 475 weeks;

(25) For the loss of an eye and an arm, 66 2/3 percent of the daily wage at the time of injury during 475 weeks;

(26) For the loss of an eye and a hand, 66 2/3 percent of the daily wage at the time of injury during 450 weeks;

(27) For the loss of an eye and a foot, 66 2/3 percent of the daily wage at the time of injury during 400 weeks;

(28) For the loss of two arms, other than at the shoulder, 66 2/3 percent of the daily wage at the time of injury during 500 weeks;

(29) For the loss of two hands, 66 2/3 percent of the daily wage at the time of injury during 500 weeks;

(30) For the loss of two legs, other than so close to the hips that no effective artificial member can be used, 66 2/3 percent of the daily wage at the time of injury during 500 weeks;

(31) For the loss of two feet, 66 2/3 percent of the daily wage at the time of injury during 500 weeks;

(32) For the loss of one arm and the other hand, 66 2/3 percent of the daily wage at the time of injury during 500 weeks;

(33) For the loss of one hand and one foot, 66 2/3 percent of the daily wage at the time of injury during 500 weeks;

(34) For the loss of one leg and the other foot, 66 2/3 percent of the daily wage at the time of injury during 500 weeks;

(35) For the loss of one leg and one hand, 66 2/3 percent of the daily wage at the time of injury during 500 weeks;

(36) For the loss of one arm and one foot, 66 2/3 percent of the daily wage at the time of injury during 500 weeks;

(37) For the loss of one arm and one leg, 66 2/3 percent of the daily wage at the time of injury during 500 weeks;

(38) For loss of the voice mechanism, 66 2/3 percent of the daily wage at the time of injury during 500 weeks;

(39) For head injuries, 66 2/3 percent of the daily wage at the time of injury for that proportion of 500 weeks which is represented by its percentage of the permanent partial disability to the entire body as is determined from competent testimony at a hearing before a compensation judge, the commissioner, or the workers' compensation court of appeals;

(40) For permanent partial disability resulting from injury to any internal organ until such time as the commissioner of labor and industry shall promulgate a schedule of internal organs and thereafter for internal organs covered by the schedule of internal organs established by the commissioner of labor and industry, 66 2/3 percent of the daily wage at time of injury for that proportion of 500 weeks, not to exceed 500 weeks, as determined by the commissioner of labor and industry, which is the proportionate amount of permanent partial disability caused to the entire body by the injury as is determined from competent testimony at a hearing before a compensation judge, the commissioner, or the workers' compensation court of appeals;

(41) For disfigurement or scarring not resulting from the loss of a member or other injury specifically compensated, affecting the employability or advancement opportunity of the injured person in the employment in which he was injured or other employment for which the employee is then qualified or for which the employee has become qualified, 66 2/3 percent of the daily wage at the time of injury during the period the parties agree to or the compensation judge or the workers' compensation court of appeals in cases on appeal determines, not exceeding 90 weeks;

(42) For permanent partial disability resulting from injury to the back, 66 2/3 percent of the daily wage at the time of injury for that proportion of 350 weeks which is represented by the percentage of the permanent partial disability as is determined from competent testimony at a hearing before a compensation judge, the commissioner, or the workers' compensation court of appeals;

(43) When an employee sustains concurrent injuries resulting in concurrent disabilities he shall receive compensation only for the injury which entitled him to the largest amount of compensation, but this does not affect liability for disfigurement affecting the employability of the injured person or liability for the concurrent loss of more than one member, for which members compensations are provided in the specific schedule and in subdivision 5;

(44) In all cases of permanent partial disability it is considered that the permanent loss of the use of a member is equivalent to and draws the same compensation as the loss of that member, but the compensation in and by this schedule provided shall be in lieu of all other compensation in these cases, except as otherwise provided by this section;

In the event a worker has been awarded or is entitled to receive compensation for loss of use of a member under any workers' compensation law, and thereafter sustains loss of the member under circumstances entitling him to compensation therefor under this subdivision, the amount of compensation awarded, or that he is entitled to receive, for the loss of use, is to be deducted from the compensation due under the schedules of this section for the loss of the member, provided, that the amount of compensation due for the loss of the member caused by the subsequent accident is in no case less than 25 percent of the compensation payable under the schedule of this section for the loss of the member;

(45) In cases of permanent partial disability due to injury to a member, resulting in less than total loss of the member, not otherwise compensated in this schedule, compensation shall be paid at the prescribed rate during that part of the time specified in the schedule for the total loss of the member which the extent of the injury to the member bears to its total loss;

(46) In cases of permanent partial disability caused by simultaneous injury to two or more members, the applicable schedules in this subdivision shall be increased by 15 percent. This clause shall not apply when the injuries are compensated under paragraphs 22 to 37 inclusive, of this subdivision. In cases of partial disability due to injury to both eyes resulting in less than total loss of vision in one or both eyes compensation shall be paid at the prescribed rate during that part of 450 weeks which the extent of the combined injury to both eyes bears to the complete loss of industrial vision;

(47) The commissioner of labor and industry ~~with the workers' compensation court of appeals~~ may make or revise rules for the determination of the extent of the impairment of the industrial use of one or both eyes taking into account all primary coordinate factors of vision. These rules shall be made or revised after consultation with experts on industrial vision and after public notice to and hearing of interested parties;

(48) For permanent partial disability resulting from injury to the body as a whole due to burns, 66 2/3 percent of the daily wage at the time of injury, for that proportion of 350 weeks which is represented by the percentage of the permanent partial disability as is determined from competent testimony at a hearing before a compensation judge, the commissioner, or the workers' compensation court of appeals, the compensation to be paid in addition to the compensation as employee would otherwise be entitled to for loss of use of a member in accordance with this section;

(49) In all cases of permanent partial disability not enumerated in this schedule the compensation shall be 66 2/3 percent of the difference between the daily wage of the worker at the time of the injury and the daily wage he is able to earn in his partially disabled condition, subject to a maximum equal to the statewide average weekly wage, and continue during disability, not to exceed 350 weeks; and if the employer does not furnish the worker with work which he can do in his permanently partially disabled condition and he is unable to secure such work with another employer after a reasonably diligent effort, the employee shall be paid at his or her maximum rate of compensation for total disability.

Sec. 46. Minnesota Statutes 1980, Section 176.102, is amended by adding a subdivision to read:

Subd. 1a. [SURVIVING SPOUSE.] *Upon request a qualified dependent surviving spouse shall be provided rehabilitation services through the department of labor and industry's rehabilitation services section of the workers' compensation division. For the purposes of this subdivision a qualified dependent surviving spouse is a dependent surviving spouse, as determined under section 176.111, who is permanently precluded or likely to be precluded from being employed in an occupation or position which could be expected to provide a reasonable living wage or salary, and who can reasonably be expected to benefit from rehabilitation services which may significantly reduce or eliminate the surviving spouse's unemployability.*

Sec. 47. Minnesota Statutes 1980, Section 176.105, Subdivision 1, is amended to read:

Subdivision 1. The commissioner of labor and industry ~~may~~ *shall* by rule establish a schedule of degrees of disability resulting from different kinds of injuries.

Sec. 48. Minnesota Statutes 1980, Section 176.111, Subdivision 6, is amended to read:

Subd. 6. [SPOUSE, NO DEPENDENT CHILD.] *(a)* If the deceased employee leaves a dependent surviving spouse and no dependent child, there shall be paid to the dependent surviving spouse ~~50 percent of the daily wage at the time of the injury of the deceased~~ , *at the option of the spouse, either:*

(1) A lump sum settlement equal to ten full years of compensation at 50 percent of the daily wage at the time of the injury of the deceased; or

(2) Weekly workers' compensation benefits at 50 percent of the daily wage at the time of the injury for a period of ten years, including adjustments as provided in section 176.645.

(b) A dependent surviving spouse who has not accepted a lump sum settlement and who remarries shall receive the lesser of either:

(1) A lump sum settlement equal to two full years of compensation at 50 percent of the daily wage at the time of the injury of the deceased; or

(2) The remaining weekly workers' compensation benefits at 50 percent of the daily wage, including adjustments as provided in section 176.645 .

Sec. 49. Minnesota Statutes 1980, Section 176.111, Subdivision 7, is amended to read:

Subd. 7. [SPOUSE, ONE DEPENDENT CHILD.] *(a)* If the deceased employee leave a surviving spouse and one dependent child, there shall be paid to the surviving spouse, *at the option of the spouse,* for the benefit of such spouse and child 60 percent of the daily wage at the time of the injury of the deceased *until the child is no longer a dependent as defined in subdivision 1. At that time there shall be paid to the dependent surviving spouse either:*

(1) A lump sum settlement equal to ten full years of compensation at a rate which is 16 2/3 percent less than the last weekly workers' compensation benefit payment which would have been due while the surviving child was a dependent; or

(2) Weekly benefits at a rate which is 16 2/3 percent less than the last weekly

workers' compensation benefit payment which would have been due while the surviving child was a dependent, including adjustments as provided in section 176.645.

(b) In the case of remarriage of a surviving spouse:

(1) Compensation for the benefit of a dependent child shall be paid according to the allocation provided in subdivision 10, until the child is no longer a dependent as defined in subdivision 1; and

(2) For the benefit of the surviving spouse a lump sum settlement equal to two full years of compensation shall be paid in an amount which is the difference between the benefit otherwise payable under this section and the amount payable to the dependent child allocated as provided in subdivision 10

Sec. 50. Minnesota Statutes 1980, Section 176.111, Subdivision 8, is amended to read:

Subd. 8. [SPOUSE, TWO DEPENDENT CHILDREN.] *(a)* If the deceased employee leave a surviving spouse and two dependent children, there shall be paid to the surviving spouse, *at the option of the spouse,* for the benefit of such spouse and such children 66 2/3 percent of the daily wage at the time of the injury of the deceased *until the youngest dependent child is no longer dependent.*

At that time the dependent surviving spouse shall be paid either:

(1) A lump sum settlement equal to ten full years of compensation at 25 percent less than the last weekly workers' compensation benefit payment which would have been due while the last surviving child was a dependent; or

(2) Weekly benefits at the rate of 25 percent less than the last weekly indemnification payment made while the surviving child was a dependent adjusted according to section 176.645.

(b) In the case of remarriage of a surviving spouse, there shall be paid compensation for the benefit of the children allocated according to subdivision 10 until the youngest dependent child is no longer dependent as defined in subdivision 1. For the benefit of the surviving spouse there shall be paid a lump sum settlement equal to two full years of compensation at the difference between the benefit otherwise payable under this section and the amount payable to the dependent children allocated according to subdivision 10 .

Sec. 51. Minnesota Statutes 1980, Section 176.111, is amended by adding a subdivision to read:

Subd. 8a. [LAST WEEKLY BENEFIT PAYMENT.] *For the purposes of subdivisions 7 and 8, "last weekly workers' compensation benefit payment" means the workers' compensation benefit payment as initially determined under this chapter before the application of the provisions of subdivision 21.*

Sec. 52. Minnesota Statutes 1980, Section 176.111, Subdivision 10, is amended to read:

Subd. 10. [ALLOCATION OF COMPENSATION.] In all cases where compensation is payable to the surviving spouse for the benefit of the surviving spouse and dependent children, the commissioner of the department of labor

and industry, compensation judge, or workers' compensation court of appeals in cases upon appeal ~~may~~ *shall* determine what portion of the compensation ~~shall be applied~~ *applies* for the benefit of ~~any such child~~ *dependent children* and may order ~~the same~~ *that portion* paid to a guardian. *This subdivision shall not be construed to increase the combined total of weekly government survivor benefits and workers' compensation beyond the limitation established in section 176.111, subdivision 21.*

Sec. 53. Minnesota Statutes 1980, Section 176.111, Subdivision 21, is amended to read:

Subd. 21. [DEATH, BENEFITS; COORDINATION WITH GOVERNMENTAL SURVIVOR BENEFITS.] The following provision shall apply to any dependent entitled to receive weekly compensation benefits under this section as the result of the death of an employee, and who is also receiving or entitled to receive benefits under any government survivor program:

The combined total of weekly government survivor benefits and workers' compensation death benefits provided under this section shall not exceed 100 percent of the weekly wage being earned by the deceased employee at the time of the injury causing his death; provided, however, that no state workers' compensation death benefit shall be paid for any week in which the survivor benefits paid under the federal program, by themselves, exceed 100 percent of such weekly wage provided, however, the workers' compensation benefits payable to a dependent surviving spouse shall not be reduced on account of any governmental survivor benefits payable to decedent's children if the support of the children is not the responsibility of the dependent surviving spouse.

For the purposes of this subdivision "dependent" means dependent surviving spouse together with all dependent children and any other dependents.

Sec. 54. Minnesota Statutes 1980, Section 176.131, Subdivision 10, is amended to read:

Subd. 10. The special compensation fund is created for the purposes provided in this chapter in the following manner:

(1) In every case of death of an employee resulting from personal injury arising out of and in the course of employment where there are no persons entitled to monetary benefits of dependency compensation, the employer shall pay to the commissioner of labor and industry the sum of $5,000 for the benefit of the special compensation fund; in every case of death of an employee resulting from personal injury arising out of and in the course of employment where there are no persons entitled to at least $5,000 in monetary benefits of dependency compensation, the employer shall pay to the commissioner of labor and industry for the benefit of the special compensation fund the difference between the amounts actually paid for the dependency benefits and $5,000; but in no event shall the employer pay the commissioner of labor and industry less than $1,000;

(2) When an employee suffers a personal injury which results in permanent partial disability, temporary total disability, temporary partial disability, permanent total disability or death and which entitles him or dependents to compensation under sections 176.101 or 176.111, the employer shall in addition to compensation provided therein, pay to the commissioner of labor and industry for the benefit of the special compensation fund a lump sum without interest

deduction equal to ~~seven~~ *a* percent of the total compensation~~,~~ *as determined as provided in this subdivision* as soon as the amount payable for the particular injury is determined, or arrived at by agreement of the parties and the amount is approved by the commissioner of labor and industry.

The provisions of clauses (1) and (2) shall apply to all workers' compensation payments, exclusive of medical costs, paid under sections 176.101 and 176.111 for all injuries or death occurring on or after June 1, 1971.

Personal injuries that occurred prior to June 1, 1971 shall be assessed at the rate in effect on the date of occurrence.

~~The seven percent of the total compensation required to be paid by the employer to the commissioner of labor and industry for the benefit of the special compensation fund as provided in clause (2) of this subdivision shall remain fixed at said seven percent for the period from June 1, 1971, to June 1, 1972. Effective June 1, 1972, through June 1, 1975, and thereafter on January 1, beginning in 1976, the rate shall be adjusted on the following basis: if the balance in the special compensation fund as of April 30 in any year through 1975 and as of September 30, 1975, and each September 30 thereafter, is below $1,000,000, the rate of payment shall be increased by two percent over the then prevailing rate. If the balance is at least $1,000,000 but below $1,500,000, the rate will be increased by one percent. If the balance is at least $1,500,000 but below $2,000,000, there shall be no change. If the balance is at least $2,000,000 but less than $2,500,000, the rate shall be decreased by one percent. If the balance is at least $2,500,000, the rate shall be decreased by two percent. If the balance is $3,000,000 or more the commissioner of labor and industry shall within 30 days determine the percent of decrease, which shall be not less than two percent nor more than five percent.~~

In determining the percentage of the total compensation required to be paid by the employer to the commissioner of labor and industry for the benefit of the special compensation fund as provided in clause (2) beginning September 30, 1980, and each September 30 thereafter, the commissioner of labor and industry shall use the following schedule:

Balance in the Fund	*Permissible Range of Rate Adjustment*
Less than $2,000,000	*+1 percent to +7 percent*
At least $2,000,000 but less than $3,000,000	*0 percent to +6 percent*
At least $3,000,000 but less than $4,000,000	*–2 percent to +4 percent*
At least $4,000,000 but less than $5,000,000	*–5 percent to +3 percent*
At least $5,000,000 but less than $6,000,000	*–6 percent to +2 percent*
$6,000,000 or more	*–7 percent to +2 percent*

In determining the actual adjustment, the commissioner shall take into account his estimate of the likely amount of expenditures to be made from the fund in the next calendar year.

Sums paid to the commissioner of labor and industry pursuant to the provisions hereof, shall be deposited with the state treasurer for the benefit of the special compensation fund and be used to pay the benefits provided by this chapter. All money heretofore arising from the provisions of this section or similar law shall be transferred to this special compensation fund. Any interest or profit accruing from investment of these sums shall be credited to the special compensation fund.

The state treasurer shall be the custodian of this special fund and the workers' compensation division ~~and the workers' compensation court of appeals in cases before it~~ *on its own order or an order of a court* shall direct the distribution thereof, the same to be paid as other payments of compensation are paid. In case deposit is or has been made under the provisions of clause (1) and dependency later is shown, or if deposit is or has been made pursuant to either clause (1) or (2) by mistake or inadvertence, or under circumstances that justice requires a refund thereof, the state treasurer is authorized to refund the deposit under order of the workers' compensation division or ~~the workers' compensation court of appeals~~ *a court* . There is appropriated to the persons entitled to the refunds from the fund an amount sufficient to make the refund and payment.

Costs within the department of labor and industry for the accounting and legal procedures necessary for administration of the programs financed by the special compensation fund shall be paid from the moneys biennially appropriated to the department and not from the special compensation fund.

Sec. 55. Minnesota Statutes 1980, Section 176.132, Subdivision 2, is amended to read:

Subd. 2. [AMOUNT.] (a) The supplementary benefit payable under this section shall be the difference between the amount the employee receives on or after January 1, 1976, under section 176.101, subdivision 1 or subdivision 4, and 65 percent of the statewide average weekly wage as computed annually.

(b) In the event an eligible recipient is currently receiving no compensation or is receiving a reduced level of compensation because of a credit being applied as the result of a third party liability or damages, the employer or insurer shall compute the offset credit as if the individual were entitled to the actual benefit or 65 percent of the statewide average weekly wage as computed annually, whichever is greater. If this results in the use of a higher credit than otherwise would have been applied and the employer or insurer becomes liable for compensation benefits which would otherwise not have been paid, the additional benefits resulting shall be handled according to this section.

(c) In the event an eligible recipient is receiving no compensation or is receiving a reduced level of compensation because of a valid agreement in settlement of a claim, no supplementary benefit shall be payable under this section. *Attorney fees shall be allowed in settlements of claims for supplementary benefits in accordance with this chapter.*

(d) In the event an eligible recipient is receiving no compensation or is

receiving a reduced level of compensation because of prior limitations in the maximum amount payable for permanent total disability or because of reductions resulting from the simultaneous receipt of old age or disability benefits, the supplementary benefit shall be payable for the difference between the actual amount of compensation currently being paid and 65 percent of the statewide average weekly wage as computed annually.

(e) In the event that an eligible recipient is receiving simultaneous benefits from any government disability program, the amount of supplementary benefits payable under this section shall be reduced by five percent. If the individual does not receive the maximum benefits for which he is eligible under other governmental disability programs due to the provisions of 42 U.S.C. 424a (d), this reduction shall not apply.

Sec. 56. Minnesota Statutes 1980, Section 176.133, is amended to read:

176.133 [ATTORNEYS FEES, SUPPLEMENTARY BENEFITS.]

~~No~~ Attorneys fees shall be permitted or approved by the workers' compensation court of appeals from the supplementary workers' compensation benefits provided by section 176.132, or amendments thereto, ~~unless~~ *if* the case ~~solely~~ involves the obtaining of supplementary workers' compensation benefits. When such fees are allowed an amount equal to 25 percent of that portion of the fee which is in excess of $250 shall be added to the employee's benefit as provided in section 176.081 rather than deducted as a portion thereof. The fees shall be ~~subject~~ *determined according* to ~~the limitations contained in~~ section 176.081.

Sec. 57. Minnesota Statutes 1980, Section 176.136, is amended to read:

176.136 [MEDICAL FEE REVIEW.]

The commissioner of labor and industry shall ~~by rule establish procedures for determining whether the charge for a health service is excessive. In order to accomplish this purpose, the commissioner shall consult with insurers, associations and organizations representing the medical and other providers of treatment services and other appropriate groups~~ *utilize the schedule of medical fees established pursuant to section 256B.04, subdivision 12* . If the commissioner determines that the charge for a health service *or medical service* is excessive, ~~he may limit~~ *no* payment ~~to~~ *in excess of* the reasonable charge for that service *shall be made under this chapter nor may the provider collect or attempt to collect from the injured employee or any other insurer or government for amounts in excess of the amount payable under this chapter* ; however, the commissioner shall by rule establish procedures allowing for a provider to appeal such determination. The commissioner ~~may~~ *shall* contract with a review organization as defined in section 145.61 ~~in making any determinations as to whether or not a charge is excessive~~ *for the purposes listed in section 145.61, subdivision 5, and report to the legislature by January 15, 1983, and every January 15 of odd-numbered years, regarding the delivery of medical and health care services under the workers' compensation laws of this state* .

Sec. 58. [176.1361] [TESTIMONY OF PROVIDERS.]

When the commissioner of labor and industry has reason to question the objectivity with which a medical or other provider of treatment services is

giving testimony in any proceeding under this chapter regarding personal injuries, the commissioner shall refer the matter for review to an appropriate licensing body or other professional certifying organization for review and recommendations as to the objectivity of the provider in the matters referred. Based upon their recommendation, the commissioner may bar the provider from making an appearance in any proceeding under this chapter for a period not to exceed one year in the first instance, three years in a second instance, and may permanently bar the provider from appearance thereafter.

Sec. 59. [176.152] [MEDICAL PANEL.]

Subdivision 1. [BINDING OPINION; MEDICAL DISPUTES.] *Prior to a hearing before a compensation judge at which the issue of the extent of disability is in dispute a medical panel shall be constituted to render a final and binding opinion on the dispute.*

Subd. 2. [PHYSICIAN LIST.] *The commissioner shall compile and maintain a list of names of physicians qualified to determine the issues described in subdivision 1. Names on the list may be added and removed at any time by the commissioner. In maintaining the list the commissioner shall to the maximum extent possible select persons from varying geographical areas of the state.*

Subd. 3. [PANEL SELECTION.] *When a panel is required to be constituted by subdivision 1 the commissioner shall furnish the employer and employee parties to the dispute a list of seven physicians from which the parties shall alternatively strike names until only three remain which shall constitute the panel. If both parties agree, the dispute may be decided by one physician. If the parties are unable to agree on who shall strike the first name, the question shall be decided by a flip of the coin.*

Subd. 4. [REPORT; CONCLUSION.] *The commissioner shall propound specific written questions to the panel at the time they are notified of their selection. The questions shall be framed in such a manner that answers to them shall resolve the disputes described in subdivision 1. The panel's answers shall be binding upon the compensation judge before whom a hearing may be held subsequent to review by the panel.*

Subd. 5. [EXAM; REPORT.] *The panel physicians shall, individually or together, personally examine the employee within 30 days of their selection and after reviewing all other available pertinent information report their conclusions to the commissioner within 45 days after their selection. The commissioner may extend the time limit for good cause.*

Subd. 6. [COSTS; PAYMENT.] *Any physician who agrees to serve on a panel shall sign a consent form agreeing that any dispute concerning his fees for serving on the panel shall be decided by the compensation judge hearing the case and that the judge's decision shall be binding on the physician. A judge shall not approve any fee which exceeds the reasonable and customary fee in the area for similar service. The employer shall pay all the panel fees, except that if the compensation judge decides that the employee has disputed in bad faith an issue referred to the panel the judge may order that the employee pay the fees.*

Subd. 7. [PILOT PROJECT; REPORT TO LEGISLATURE.] *The commissioner shall establish the medical panel on a pilot basis in three counties, including at least one rural county. The commissioner shall report to the*

legislature by January 1, 1983, indicating at least the number of cases reviewed, the number of physicians participating, the number of cases settled prior to any hearing before a compensation judge and the cost of the program.

Sec. 60. Minnesota Statutes 1980, Section 176.161, Subdivision 1, is amended to read:

Subdivision 1. [RESIDING OUTSIDE UNITED STATES.] In case a deceased employee for whose injury or death compensation is payable leaves surviving him an alien dependent residing outside the United States the commissioner of the department of labor and industry shall direct the payment of all compensation due the dependent to be made to the duly accredited consular officer of the country of which the beneficiary is a citizen residing within the state, or to his designated representative residing within the state; or, if the commissioner of the department of labor and industry believes that the interests of the dependent will be better served and at any time prior to the final settlement the dependent files with the commissioner of the department of labor and industry a power of attorney designating any other suitable person residing in this state to act as attorney in fact in such proceedings, the commissioner of the department of labor and industry may appoint such person. If it appears necessary to institute proceedings to enforce payment of compensation due the dependent, the commissioner of the department of labor and industry may permit the consular officer to institute these proceedings. If during the pendency of these proceedings, such power of attorney is filed by the alien dependent, the commissioner of the department of labor and industry shall then determine whether such attorney in fact be substituted to represent such dependent or if the consular officer or his representative continue therein. The person so appointed may carry on proceedings to settle all claims for compensation and receive for distribution to such dependent all compensation arising under this chapter. The settlement and distribution of the funds shall be made only on the written order of the commissioner of the department of labor and industry. The person so appointed shall furnish a bond satisfactory to the ~~workers' compensation court of appeals~~ *commissioner* , conditioned upon the proper application of the money received by him. Before the bond is discharged, the person so appointed shall file with the commissioner of the department of labor and industry a verified account of his receipts and disbursements of such compensation.

Sec. 61. Minnesota Statutes 1980, Section 176.181, Subdivision 2, is amended to read:

Subd. 2. [COMPULSORY INSURANCE; SELF-INSURERS.] (1) Every employer, except the state and its municipal subdivisions, liable under this chapter to pay compensation shall insure payment of compensation with some insurance carrier authorized to insure workers' compensation liability in this state, or obtain a written order from the commissioner of insurance exempting the employer from insuring his liability for compensation and permitting him to self-insure the liability. The terms, conditions and requirements governing self-insurance shall be established by the commissioner pursuant to chapter 15. The commissioner shall also adopt, pursuant to clause (2)(c), rules permitting two or more employers, *whether or not they are* in the same industry to enter into agreements to pool their liabilities under this chapter for the purpose of qualifying as group self-insurers. With the approval of the commissioner of insurance, any employer may exclude medical, chiropractic and hospital ben-

efits as required by this chapter. An employer conducting distinct operations at different locations may either insure or self-insure the other portion of his operations which may be determined by the commissioner of insurance to be a distinct and separate risk. An employer desiring to be exempted from insuring his liability for compensation shall make application to the commissioner of insurance, showing his financial ability to pay the compensation, whereupon by written order the commissioner of insurance may make an exemption as he deems proper. The commissioner of insurance may require further statements of financial ability of the employer to pay compensation. Upon ten days written notice the commissioner of insurance may revoke his order granting an exemption, in which event the employer shall immediately insure his liability. As a condition for the granting of an exemption the commissioner of insurance may require the employer to furnish security the commissioner considers sufficient to insure payment of all claims under this chapter. If the required security is in the form of currency or negotiable bonds, the commissioner of insurance shall deposit it with the state treasurer. In the event of any default upon the part of a self-insurer to abide by any final order or decision of the commissioner of labor and industry directing and awarding payment of compensation and benefits to any employee or the dependents of any deceased employee, then upon at least ten days notice to the self-insurer, the commissioner of insurance may by written order to the state treasurer require him to sell the pledged and assigned securities or a part thereof necessary to pay the full amount of any such claim or award with interest thereon. This authority to sell may be exercised from time to time to satisfy any order or award of the commissioner of labor and industry or any judgment obtained thereon. When securities are sold the money obtained shall be deposited in the state treasury to the credit of the commissioner of insurance and awards made against any such self-insurer by the commissioner of insurance shall be paid to the persons entitled thereto by the state treasurer upon warrants prepared by the commissioner of insurance and approved by the commissioner of finance out of the proceeds of the sale of securities. Where the security is in the form of a surety bond or personal guaranty the commissioner of insurance, at any time, upon at least ten days notice and opportunity to be heard, may require the surety to pay the amount of the award, the payments to be enforced in like manner as the award may be enforced.

(2)(a) No association, corporation, partnership, sole proprietorship, trust or other business entity shall provide services in the design, establishment or administration of a group self-insurance plan under rules adopted pursuant to this subdivision unless it is licensed to do so by the commissioner of insurance. An applicant for a license shall state in writing the type of activities it seeks authorization to engage in and the type of services it seeks authorization to provide. The license shall be granted only when the commissioner of insurance is satisfied that the entity possesses the necessary organization, background, expertise, and financial integrity to supply the services sought to be offered. The commissioner of insurance may issue a license subject to restrictions or limitations, including restrictions or limitations on the type of services which may be supplied or the activities which may be engaged in. The license is for a two year period.

(b) To assure that group self-insurance plans are financially solvent, administered in a fair and capable fashion, and able to process claims and pay benefits in a prompt, fair and equitable manner, entities licensed to engage in such

business are subject to supervision and examination by the commissioner of insurance.

(c) To carry out the purposes of this subdivision, the commissioner of insurance may promulgate administrative rules, including emergency rules, pursuant to sections 15.0411 to 15.052. These rules may:

(i) establish reporting requirements for administrators of group self-insurance plans;

(ii) establish standards and guidelines to assure the adequacy of the financing and administration of group self-insurance plans;

(iii) establish bonding requirements or other provisions assuring the financial integrity of entities administering group self-insurance plans;

(iv) establish standards, including but not limited to minimum terms of membership in self-insurance plans, as necessary to provide stability for those plans;

(v) establish standards or guidelines governing the formation, operation, administration and dissolution of self-insurance plans; and

(vi) establish other reasonable requirements to further the purposes of this subdivision.

Sec. 62. Minnesota Statutes 1980, Section 176.181, Subdivision 3, is amended to read:

Subd. 3. [FAILURE TO INSURE, PENALTY.] Any employer who fails to comply with the provisions of subdivision 2 to secure payment of compensation is liable to the state of Minnesota for a penalty of ~~$50~~ *$100*, if the number of uninsured employees in his employment is less than five and for a penalty of ~~$200~~ *$400* if the number of such uninsured employees in his employment is five or more. *If the commissioner determines that the failure to comply with the provisions of subdivision 2 was willful and deliberate, the employer shall be liable to the state of Minnesota for a penalty of $500 if the number of uninsured employees in his employment is less than five, and for a penalty of $2,000 if the number of uninsured employees is five or more.* If the employer continues his noncompliance, he is liable for five times the lawful premium for compensation insurance for such employer for the period he fails to comply with such provisions, commencing ten days after notice has been served upon him by the commissioner of the department of labor and industry by certified mail. These penalties may be recovered jointly or separately in a civil action brought in the name of the state by the attorney general in any court having jurisdiction. Whenever any such failure occurs the commissioner of the department of labor and industry shall immediately certify the fact thereof to the attorney general. Upon receipt of such certification the attorney general shall forthwith commence and prosecute such action. All penalties recovered by the state in any such action shall be paid into the state treasury and credited to the special compensation fund. If an employer fails to comply with the provisions of subdivision 2, to secure payment of compensation after having been notified of his duty, the attorney general, upon request of the commissioner of the department of labor and industry, may proceed against the employer in any court having jurisdiction for an order restraining him from having any person in his employment at any time when he is not complying with the provisions of

subdivision 2.

Sec. 63. Minnesota Statutes 1980, Section 176.181, is amended by adding a subdivision to read:

Subd. 6. Any rule or portion of a rule made or adopted by the commissioner of insurance which requires the employment of an "independent certified public accountant" or "certified public accountant" is hereby repealed or amended as the case may be. This subdivision is not intended to repeal any other rule regarding self-insurers if the rule, after amendment by this subdivision, can still be made applicable to self-insurers.

Sec. 64. [176.182] [BUSINESS LICENSES OR PERMITS; COVERAGE REQUIRED.]

Every state or local licensing agency shall withhold the issuance of a license or permit to operate a business in Minnesota until the applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage requirement of section 176.181, subdivision 3.

Sec. 65. Minnesota Statutes 1980, Section 176.191, is amended to read:

176.191 [DISPUTE BETWEEN TWO OR MORE EMPLOYERS OR INSURERS REGARDING LIABILITY.]

Subdivision 1. Where compensation benefits are payable under this chapter, and a dispute exists between two or more employers or two or more insurers as to which is liable for payment, the commissioner of labor and industry, compensation judge, or workers' compensation court of appeals upon appeal ~~may~~ *shall* direct, *unless he acts under subdivision 2,* that one or more of the employers or insurers make payment of the benefits pending a determination of liability.

When liability has been determined, the party held liable for the benefits shall be ordered to reimburse any other party for payments which the latter has made, including interest at the rate of ~~five~~ *12* percent a year. The claimant ~~may~~ *shall* also be awarded a reasonable attorney fee, to be paid by the party held liable for the benefits.

An order directing payment of benefits pending a determination of liability may not be used as evidence before a compensation judge, the workers' compensation court of appeals, or court in which the dispute is pending.

Subd. 2. Where compensation benefits are payable under this chapter, and a dispute exists between two or more employers or two or more insurers as to which is liable for payment, the commissioner of labor and industry ~~may~~ *shall* authorize, *unless he acts under subdivision 1,* the special compensation fund established in section 176.131 to make payment of the benefits pending a determination of liability.

The personal injury for which the commissioner ~~may~~ *shall* order compensation from the special fund is not limited by section 176.131, subdivision 8.

When liability has been determined, the party held liable for benefits shall be ordered to reimburse the special compensation fund for payments made, including interest at the rate of 12 percent a year.

Subd. 3. If a dispute exists as to whether an employee's injury is compens-

able under this chapter and the employee is otherwise covered by an insurer pursuant to chapters 62A, 62C and 62D, that insurer shall pay any medical costs incurred by the employee for the injury *and shall make any disability payments otherwise payable by that insurer in the absence of or in addition to workers' compensation liability*. If the injury is subsequently determined to be compensable pursuant to this chapter, the workers' compensation insurer shall be ordered to reimburse the insurer that made the payments for all ~~medical~~ payments made *under this subdivision* by the insurer ~~for the injury~~, including interest at a rate of 12 percent a year.

If the employee's medical expenses for a personal injury are paid pursuant to any program administered by the commissioner of public welfare and it is subsequently determined that the injury is compensable pursuant to this chapter, the workers' compensation insurer shall reimburse the commissioner of public welfare for the medical expenses paid and attributable to the personal injury, including interest at a rate of 12 percent a year.

Sec. 66. Minnesota Statutes 1980, Section 176.221, is amended to read:

176.221 [PAYMENT OF COMPENSATION AND TREATMENT CHARGES, COMMENCEMENT.]

Subdivision 1. [~~DENIAL OF LIABILITY, REQUEST FOR EXTENSION OF TIME~~ *COMMENCEMENT OF PAYMENT* .] ~~Within 30 days from the date of notice to or knowledge by the employer of an injury compensable under the chapter, and unless within that 30 day period the employer or the insurer files with the commissioner of the department of labor and industry a denial of liability or a request for an extension of time within which to determine liability, the person responsible for payment of compensation, charges for treatment under section 176.135 or retraining expenses under 176.102, subdivision 9 shall begin payment of compensation or charges for treatment.~~ *Within 14 days of the day an employee leaves work after giving notice of an injury which causes disability the payment of compensation due pursuant to section 176.101, subdivision 1, shall commence. Payment shall otherwise be due 14 days after notice of a work related injury causing disability is given by the employee. Commencement of payment by an employer or insurer does not waive any rights to any defense the employer may have on any claim or incident either with respect to the compensability of the claim under chapter 176 or the amount of the compensation due. Where there are multiple employers, the first employer shall pay unless it is shown that the injury has arisen out of employment with the second or subsequent employer. When the employer determines the disability to not be as a result of a personal injury, payment of compensation shall immediately cease and notice shall be given to the employee. Upon the determination, payments made may be recovered by the employer if the commissioner finds that the employee's claim of work related disability was not made in good faith.*

Subd. 2. [GRANT OF EXTENSION.] Upon application made within ~~the~~ 30 ~~day period referred to in subdivision 1~~ *days after the date on which the first payment was due* . the commissioner of the department of labor and industry may grant an extension of time within which to determine liability. The extension shall not exceed 30 days.

Subd. 3. [PAYMENTS TO SPECIAL COMPENSATION FUND.] Where an employer or insurer fails to begin payment of compensation, charges for

treatment under section 176.135 or retraining expenses under 176.102, subdivision 9, or to file a denial of liability, or to request an extension of time within ~~the~~ 30 ~~day period referred to in subdivision 1~~ *days after the date on which the first payment was due* , he shall pay to the special compensation fund an amount equal to the total amount of compensation to which the employee is entitled because of the injury. In addition, each day subsequent to the end of the ~~30 day~~ period and until a compensation payment is made to the injured employee, the person responsible for payment of compensation shall pay to the special compensation fund an amount equal to the total compensation to which injured employee is entitled.

Subd. 4. [FAILURE TO MAKE PAYMENTS AFTER EXTENSION.] Where an employer or insurer has been granted an extension of time within which to determine liability and fails to begin payment of compensation, charges for treatment under section 176.135 or retraining expenses under 176.102, subdivision 9 or to file a denial of liability within such extended period, he shall make the payments provided in subdivision 3.

Subd. 5. [DOUBLE PAYMENTS TO SPECIAL COMPENSATION FUND.] Where an employer or insurer has failed to make the payments required by subdivision 3 or subdivision 4 within ~~60~~ *30* days from the end of the ~~30 day~~ period or the extended period, the division may require him to pay to the special compensation fund, each day subsequent to the end of the period and until a compensation payment is made to the injured employee, a sum equal to double the total amount of compensation to which the employee is entitled because of the injury. In addition, the person responsible for compensation, charges for treatment under section 176.135 or retraining expenses under 176.102, subdivision 9 shall pay to the special compensation fund an amount equal to the total amount of compensation to which the employee is entitled.

Subd. 6. [ASSESSMENT OF PENALTIES.] The division shall assess the penalty payments , *including the increase in benefit payments, provided by section 176.225, subdivision 5, and* provided for by subdivisions 3 to 5 against either the employer or the insurer depending upon to whom the delay is attributable in making payment of compensation, charges for treatment under section 176.135 or retraining expenses under 176.102, subdivision 9. The insurer is not liable for a penalty payment assessed against the employer.

Subd. 7. [INTEREST.] *If no appeal is made of an order to pay,* any payment of compensation, charges for treatment under section 176.135 or retraining expenses under 176.102, subdivision 9 not made when due shall bear interest at the rate of eight percent per annum from the due date to the date the payment is made.

Subd. 8. [METHOD AND TIMELINESS OF PAYMENT.] *Payment of compensation under this chapter shall be by immediately negotiable instrument, or if by any other method, arrangements shall be available to provide for immediate negotiability of the payment instrument.*

All payment of compensation shall be made within 14 days of an appropriate order by the division, unless the order is to be appealed, or where a different time period is provided by this chapter.

Sec. 67. Minnesota Statutes 1980, Section 176.225, is amended by adding a

subdivision to read:

Subd. 5. [PENALTY.] *Where the employer is guilty of inexcusable delay in making payments, the payments which are found to be delayed shall be increased by 10 percent. Withholding amounts unquestionably due because the injured employee refuses to execute a release of his right to claim further benefits or for other reason will be regarded as inexcusable delay in the making of compensation payments. If any sum ordered by the department to be paid is not paid when due or no appeal of the order is made, the sum shall bear interest at the rate of 12 percent per annum. Any penalties paid pursuant to this section shall not be considered as a loss or expense item for purposes of a petition for a rate increase made pursuant to chapter 79.*

Sec. 68. Minnesota Statutes 1980, Section 176.231, Subdivision 2, is amended to read:

Subd. 2. [INITIAL REPORT, WRITTEN REPORT.] Where subdivision 1 requires an injury to be reported within 48 hours, the employer may make his initial report by telephone, telegraph, or personal notice, and file a written report of the injury within seven days from its occurrence or within such time as the commissioner of labor and industry designates. All written reports of injuries required by subdivision 1 *shall include the date of injury, amounts of payments made, if any, and the date of the first payment. The reports* shall be in quadruplicate on a form designed by the commissioner, with two copies to the commissioner and one to the insurer.

Where an insurer or self-insurer with such frequency as the commissioner determines to be in violation of section 176.221 fails to pay within three days of the due date, the insurer or self-insurer shall be ordered by the commissioner to explain, in person, the failure to pay benefits due in a reasonable time. If prompt payments do not begin, then the commissioner shall refer the insurer or self-insurer to the commissioner of insurance for action pursuant to section 176.225, subdivision 4.

Sec. 69. Minnesota Statutes 1980, Section 176.231, Subdivision 7, is amended to read:

Subd. 7. [MEDICAL REPORTS.] If requested by the division , *a compensation judge*, or by the workers' compensation court of appeals, or any member or employee thereof an employer, insurer, or employee shall file with the commissioner of the department of labor and industry the original or a verified copy of any medical report in his possession which bears upon the case.

Sec. 70. Minnesota Statutes 1980, Section 176.241, Subdivision 1, is amended to read:

Subdivision 1. [NECESSITY FOR NOTICE AND SHOWING; CONTENTS.] Where an employee claims that the right to compensation continues, ~~or refuses to sign or objects to signing a final receipt for compensation,~~ the employer may not discontinue payment of compensation until he provides the ~~division~~ *employee* with notice in writing of his intention to do so, together with a statement of facts clearly indicating the reasons for the discontinuance. *A copy of the notice shall be provided to the division.*

The notice to the ~~division~~ *employee* shall state the date of intended discontinuance~~,~~ *and* the reason for the action~~, and the fact that the employee objects to~~

~~the discontinuance~~. The notice *to the employee and the copy to the division* shall be accompanied by a statement of facts in support of the discontinuance of compensation payments and whatever medical reports are in the possession of the employer bearing on the physical condition of the employee at the time of the proposed discontinuance.

Sec. 71. Minnesota Statutes 1980, Section 176.241, Subdivision 2, is amended to read:

Subd. 2. [CONTINUANCE OF EMPLOYER'S LIABILITY; SUSPENSION.] Except where the commissioner of the department of labor and industry orders otherwise, until the *copy of the* notice and reports have been filed with the division, the liability of the employer to make payments of compensation continues.

When the division has received a *copy of the* notice of discontinuance, the statement of facts and available medical reports, the duty of the employer to pay compensation is suspended pending an investigation, hearing, and determination of the matter by the division as provided in the following subdivisions.

Sec. 72. Minnesota Statutes 1980, Section 176.241, Subdivision 3, is amended to read:

Subd. 3. [COPY OF NOTICE TO EMPLOYEE, INVESTIGATION, HEARING.] ~~When the division has received a notice of discontinuance, it shall immediately send the employee a copy of the notice and supporting documents which have been submitted in conjunction with the notice.~~ *When the employer has reason to believe compensation may be terminated within the requirements of this chapter, notice shall be given to the employee stating the employee's right to object to the discontinuance and instructions as to how to contact the employer or insurer as to clarification of the discontinuance, the right to object to the discontinuance, and the procedures related to initiation of a claim.* The commissioner of labor and industry shall make an investigation to determine whether the right to compensation has terminated. If it appears from the investigation that the right to compensation may not have terminated, the commissioner of labor and industry shall schedule a hearing before a compensation judge, to determine the right of the employee, or his dependent, to further compensation.

The hearing shall be held within a reasonable time after the division has received the notice of discontinuance. The commissioner of labor and industry shall give eight days notice of the hearing to interested parties.

Sec. 73. Minnesota Statutes 1980, Section 176.261, is amended to read:

176.261 [~~EMPLOYEE OF COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY MAY~~ *ATTORNEY GENERAL SHALL* ACT FOR AND ADVISE A PARTY TO A PROCEEDING.]

When requested by an employer or an employee or his dependent, the ~~commissioner of the department of labor and industry may~~ *attorney general shall* designate one or more ~~of the division employees~~ *assistant or special assistant attorneys general who shall be physically located with the division* to advise that party of his rights under this chapter, and as far as possible to assist in adjusting differences between the parties. The ~~person so~~ *attorney or attor-*

neys designated may appear in person in any proceedings under this chapter as the representative or adviser of the party. ~~In such case, the party need not be represented by an attorney at law.~~

Sec. 74. [176.262] [APPOINTMENT OF COMPENSATION JUDGES; LIMITATION.]

No attorney acting pursuant to section 176.261 shall be hired or appointed as a compensation judge for a period of two years following termination of service with the division.

Sec. 75. [176.263] [PERSONNEL.]

All attorneys appointed by the commissioner of labor and industry who are fulfilling the duties assigned under section 176.261 are transferred to the office of the attorney general. The transfer shall not affect any other term or condition of the transferred attorney's employment.

Sec. 76. Minnesota Statutes 1980, Section 176.291, is amended to read:

176.291 [DISPUTES AND DEFAULTS; PROCEDURE.]

Where there is a dispute as to a question of law or fact in connection with a claim for compensation, or where there has been a default in the payment of compensation for a period of ten days, a party may present a verified petition to the commissioner of the department of labor and industry stating the matter in dispute or the fact of default.

The petition shall also state:

(1) names and residence of parties;

(2) facts relating to the employment at the time of injury, including amount of wages received;

(3) extent and character of injury;

(4) notice to or knowledge by employer of injury;

(5) facts which the commissioner of the department of labor and industry ~~and workers' compensation court of appeals~~ by rule requires; and,

(6) such other facts as are necessary for the information of the commissioner of the department of labor and industry and workers' compensation court of appeals.

Sec. 77. Minnesota Statutes 1980, Section 176.301, Subdivision 1, is amended to read:

Subdivision 1. [TRIAL BY COURT; REFERENCE TO COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY.] When issue has been joined in the district court action, the court may try the action itself without a jury, or refer the matter to the commissioner of the department of labor and industry to be assigned for hearing. In the latter case, a compensation judge or the workers' compensation court of appeals upon appeal shall hear the case in the manner in which it hears cases originally. The commissioner of the department of labor and industry shall report the findings and decision of the compensation judge~~, or~~ *and* the workers' compensation court of appeals *shall report its findings and decisions* to the district court. The court may approve or disapprove such decision in the same manner as it approves or disapproves the

report of a referee. The court shall enter judgment upon such decision.

Sec. 78. Minnesota Statutes 1980, Section 176.305, is amended to read:

176.305 [PETITIONS FILED WITH THE WORKERS' COMPENSATION DIVISION.]

Subdivision 1. [HEARINGS ON PETITIONS.] When any petition has been filed with the workers' compensation division, the commissioner of the department of labor and industry shall, pursuant to his general rules ~~or those of the workers' compensation court of appeals~~ or special order, direct that the matter presented by the petition be heard by a compensation judge ~~or presented to the workers' compensation court of appeals if it is a matter within its jurisdiction~~ . The division shall hear petitions to commute further compensation.

Subd. 2. [SERVICE OF COPY OF PETITION.] Within ten days after a petition has been filed, the commissioner of the department of labor and industry shall serve upon each adverse party a copy of the petition and a notice stating ~~whether~~ *that* the hearing will be held before a compensation judge ~~or that the petition has been referred to the workers' compensation court of appeals~~ . The commissioner of the department of labor and industry shall deliver the original petition and copies of the notice which have been served ~~,~~ to *the office of administrative hearings for assignment to* a compensation judge ~~or the workers' compensation court of appeals depending upon who will hear the matter~~ .

Subd. 3. [TESTIMONY.] ~~Unless the workers' compensation court of appeals orders differently, testimony taken before a judge of the workers' compensation court of appeals or compensation judge is considered as though taken before the workers' compensation court of appeals.~~ Where the ~~commissioner of the department of labor and industry~~ *chief hearing examiner* has substituted a compensation judge originally assigned to hear a matter, the testimony taken before the substitute compensation judge shall be considered as though taken before the judge before whom it was originally assigned.

Sec. 79. Minnesota Statutes 1980, Section 176.311, is amended to read:

176.311 [REASSIGNMENT OF PETITION FOR HEARING.]

Where a petition is heard before a compensation judge, at any time before an award or order has been made in such proceeding, the ~~commissioner of the department of labor and industry~~ *chief hearing examiner* may reassign the petition for hearing before another compensation judge.

Sec. 80. Minnesota Statutes 1980, Section 176.331, is amended to read:

176.331 [AWARD BY DEFAULT.]

Where an adverse party has failed to file and serve an answer, if the petitioner presents proof of such fact, the commissioner of the department of labor and industry or compensation judge shall enter whatever award or order to which petitioner is entitled on the basis of the facts alleged in the petition, but the commissioner of the department of labor and industry or compensation judge may require proof of any alleged fact. If the commissioner of the department of labor and industry requires such proof, he shall *request the chief hearing examiner to* assign the matter to a compensation judge to summarily

hear and determine the same and to promptly make an award or order.

Where in such a default case the petition does not state facts sufficient to support an award, the commissioner of the department of labor and industry or compensation judge shall give the petitioner or his attorney written notice of such fact. The petitioner may thereupon file another petition as in the case of an original petition.

Sec. 81. Minnesota Statutes 1980, Section 176.341, Subdivision 1, is amended to read:

Subdivision 1. [TIME.] When the reply has been filed or the time has expired in which to file a reply *and after receiving the name of the compensation judge assigned to the case* , the commissioner of the department of labor and industry shall fix a time and place for hearing the petition. The hearing shall be held not less than ten days from the time the reply is filed or the expiration of the time in which the reply could have been filed or as soon thereafter as the parties can be heard.

Sec. 82. Minnesota Statutes 1980, Section 176.351, is amended to read:

176.351 [TESTIMONIAL POWERS.]

Subdivision 1. [OATHS.] The compensation judge to whom a petition has been assigned for hearing shall administer an oath to each witness. ~~The workers' compensation court of appeals shall also administer an oath to each witness appearing before it.~~ The commissioner of the department of labor and industry may also administer an oath when required in the performance of his duties.

Subd. 2. [SUBPOENAS.] Upon his ~~or its~~ own initiative, or upon written request of an interested party, ~~the workers' compensation court of appeals, or~~ the commissioner or compensation judge before whom a hearing is held may issue a subpoena for the attendance of a witness or the production of such books, papers, records and documents as are material in the cause and are designated in the subpoena. The commissioner of the department of labor and industry may also issue a subpoena for the attendance of a witness or the production of such books, papers, records, and documents as are material in the cause pending and are designated in the subpoena.

Subd. 3. [ADVANCEMENT OF FEES AND COSTS.] The person who applies for issuance of a subpoena shall advance the required service and witness fees. The commissioner of the department of labor and industry shall pay for the attendance of witnesses who are subpoenaed by him~~, or the workers' compensation court of appeals, or a judge of the workers' compensation court of appeals,~~ or a compensation judge. The fees are the same as the service and witness fees in civil actions in district court.

Subd. 4. [PROCEEDINGS AS FOR CONTEMPT OF COURT.] Where a person does not comply with an order or subpoena, the commissioner of the department of labor and industry~~, the workers' compensation court of appeals,~~ or the commissioner or compensation judge concerned, may apply to the district court in the county in which the petition is pending for issuance of an order compelling obedience. Upon such an application, the district court shall compel obedience to the order or subpoena by attachment proceedings as for contempt in the case of disobedience of a similar order or subpoena issued by

the district court.

Sec. 83. Minnesota Statutes 1980, Section 176.371, is amended to read:

176.371 [AWARD OR DISALLOWANCE OF COMPENSATION.]

The ~~workers' compensation court of appeals, or a judge of the workers' compensation court of appeals or~~ compensation judge to whom a petition has been assigned for hearing, shall hear all competent evidence produced at the hearing, and, as soon after the hearing as possible, make ~~such~~ findings of fact, conclusions of law, and award or disallowance of compensation or other order as the pleadings, evidence, ~~and~~ this chapter *and rule* require.

Sec. 84. Minnesota Statutes 1980, Section 176.381, is amended to read:

176.381 [REFERENCE OF QUESTIONS OF FACT.]

Subdivision 1. [HEARING BEFORE WORKERS' COMPENSATION COURT OF APPEALS.] In the hearing of any matter before the workers' compensation court of appeals, the *chief judge of the* workers' compensation court of appeals may refer any question of fact to a *three panel* judge of the workers' compensation court of appeals or *to a* compensation judge either to hear evidence and report it to the workers' compensation court of appeals or to hear evidence and make findings of fact and report them to the workers' compensation court of appeals. The workers' compensation court of appeals shall notify the commissioner of the department of labor and industry of any matter referred to a *three panel* judge of the workers' compensation court of appeals or *to* a compensation judge under this subdivision.

Subd. 2. [HEARING BEFORE COMPENSATION JUDGE.] In the hearing of any petition before a compensation judge, the ~~commissioner of the department of labor and industry~~ *chief hearing examiner* may refer any question of fact to another compensation judge to hear evidence and report it to the original compensation judge.

Sec. 85. Minnesota Statutes 1980, Section 176.391, is amended to read:

176.391 [INVESTIGATIONS.]

Subdivision 1. [POWER TO MAKE.] Before, during, or after any hearing, the commissioner of the department of labor and industry ~~,~~ *or a* compensation judge ~~, or workers' compensation court of appeals, if the matter is before it,~~ may make an independent investigation of the facts alleged in the petition or answer.

Subd. 2. [APPOINTMENT OF PHYSICIANS, SURGEONS, AND OTHER EXPERTS.] The ~~workers' compensation court of appeals, or a judge of the workers' compensation court of appeals or~~ compensation judge assigned to a matter ~~,~~ or the commissioner of labor and industry, may appoint one or more neutral physicians or surgeons from the list established by the commissioner to examine the injury of the employee and report thereon. Where necessary to determine the facts, the services of other experts may also be employed.

Subd. 3. [REPORTS.] The report of a physician, surgeon, or other expert shall be filed with the commissioner of the department of labor and industry *and the compensation judge assigned to the matter*. The report shall be made a part of the record of the case and be open to inspection as such.

Subd. 4. [COMPENSATION.] The commissioner of the department of labor and industry ~~,~~ *or* compensation judge ~~, or workers' compensation court of appeals, as the case may be,~~ shall fix the compensation of a physician, surgeon, or other expert whose services are employed under this chapter. This compensation shall be paid initially out of the funds appropriated for the maintenance of the workers' compensation division, but shall be taxed as costs to either party, or both, or otherwise, as the commissioner of the department of labor and industry ~~,~~ *or* compensation judge ~~, or the workers' compensation court of appeals~~ directs.

Where a sum which has been taxed to a party has not been paid, it may be collected in the same manner as are costs generally.

Sec. 86. Minnesota Statutes 1980, Section 176.401, is amended to read:

176.401 [HEARINGS PUBLIC.]

All hearings before ~~the workers' compensation court of appeals, a judge of the workers' compensation court of appeals, or~~ *a* compensation judge are public.

Sec. 87. Minnesota Statutes 1980, Section 176.411, Subdivision 1, is amended to read:

Subdivision 1. [CONDUCT OF HEARINGS AND INVESTIGATIONS.] Except as otherwise provided by this chapter, when ~~the workers' compensation court of appeals, a judge of the workers' compensation court of appeals or~~ *a* compensation judge makes an investigation or conducts a hearing, ~~it or he~~ *the compensation judge* is bound neither by the common law or statutory rules of evidence nor by technical or formal rules of pleading or procedure. The investigation or hearing shall be conducted in a manner to ascertain the substantial rights of the parties.

Findings of fact shall be based upon competent evidence only *and in compliance with section 176.021* .

Sec. 88. Minnesota Statutes 1980, Section 176.411, Subdivision 2, is amended to read:

Subd. 2. [DEPOSITIONS.] Except where ~~the workers' compensation court of appeals, a judge of the workers' compensation court of appeals, or~~ *a* compensation judge orders otherwise, depositions may be taken in the manner which the law provides for depositions in civil actions in district court.

Sec. 89. Minnesota Statutes 1980, Section 176.421, Subdivision 1, is amended to read:

Subdivision 1. [TIME FOR TAKING; GROUNDS.] When a petition has been heard before a judge of the workers' compensation court of appeals or compensation judge, within 30 days after a party in interest has been served with notice of an award or disallowance of compensation, or other order affecting the merits of the case, he may appeal to the workers' compensation court of appeals on any of the following grounds:

(1) The order does not conform with this chapter; or

(2) The ~~judge of the workers' compensation court of appeals or~~ compensation judge committed an error of law; or

(3) The findings of fact and order were unwarranted by the evidence; or

(4) The findings of fact and order were procured by fraud, or coercion, or other improper conduct of a party in interest.

Sec. 90. Minnesota Statutes 1980, Section 176.421, Subdivision 5, is amended to read:

Subd. 5. [TRANSCRIPT.] When the notice of appeal has been filed with the commissioner of the department of labor and industry and the transcription fee has been paid, the ~~commissioner of the department of labor and industry~~ *chief hearing examiner* shall immediately prepare a typewritten transcript of the proceedings. The official reporter *or other person designated by the chief hearing examiner* who transcribes the proceedings shall certify to their correctness.

Sec. 91. Minnesota Statutes 1980, Section 176.421, Subdivision 6, is amended to read:

Subd. 6. [POWERS OF WORKERS' COMPENSATION COURT OF APPEALS ON APPEAL.] On an appeal taken under this section, the workers' compensation court of appeals may:

(1) disregard the findings of fact which the ~~judge of the workers' compensation court of appeals or~~ compensation judge has made;

(2) examine the testimony ~~and hear other evidence~~;

(3) substitute for the findings of fact made by the ~~judge of the workers' compensation court of appeals or~~ compensation judge such findings as the total evidence requires; and,

(4) make ~~such~~ *an* award or disallowance of compensation or other order as the facts and findings require.

Sec. 92. Minnesota Statutes 1980, Section 176.421, Subdivision 7, is amended to read:

Subd. 7. [RECORD OF PROCEEDINGS.] At the division's own expense, the commissioner of the department of labor and industry shall make a complete record of all proceedings before himself ~~, the workers' compensation court of appeals, a judge of the workers' compensation court of appeals,~~ or *a* compensation judge. The commissioner of the department of labor and industry shall provide a stenographer to make a record of the proceedings *before him* .

The stenographer shall furnish a transcript of these proceedings to any person who requests it and who pays a reasonable charge. The commissioner of the department of labor and industry shall fix the amount of this charge.

Sec. 93. Minnesota Statutes 1980, Section 176.431, Subdivision 1, is amended to read:

Subdivision 1. [HEARING.] Where an appeal has been taken to the workers' compensation court of appeals under this chapter on the ground that the compensation judge has made an error of law, the workers' compensation court of appeals shall grant a hearing *and remand the matter to the compensation judge*. The commissioner of the department of labor and industry shall notify the workers' compensation court of appeals promptly of the taking of any appeal.

The ~~workers' compensation court of appeals~~ *commissioner of labor and industry* shall fix a time and place for the hearing ~~,~~ and ~~notify the commissioner of the department of labor and industry who~~ shall give each party in interest at least five days written notice.

Sec. 94. Minnesota Statutes 1980, Section 176.441, Subdivision 1, is amended to read:

Subdivision 1. [DISPOSITION BY WORKERS' COMPENSATION COURT OF APPEALS.] Where an appeal has been taken to the workers' compensation court of appeals under this chapter, on either the ground that the findings or order or both were unwarranted by the evidence, or were procured by fraud, coercion, or other improper conduct of a party, the workers' compensation court of appeals may:

(1) grant a hearing de novo ~~; or~~,

~~(2) assign~~ *remand* the petition for *the de novo hearing or a* rehearing~~,~~ *and* notify the commissioner of the department of labor and industry, who shall ~~set~~ *request the chief hearing examiner to assign* the rehearing before a compensation judge; or,

~~(3)~~ *(2)* sustain, reverse, or modify the order appealed from.

Sec. 95. Minnesota Statutes 1980, Section 176.461, is amended to read:

176.461 [SETTING ASIDE AWARD.]

Except where a writ of certiorari has been issued by the supreme court and the matter is still pending in that court or where as a matter of law the determination of the supreme court cannot be subsequently modified, the workers' compensation court of appeals, for cause, at any time after an award, upon application of either party and not less than five days after written notice to all interested parties, may set the award aside and grant a new hearing ~~before itself or~~ *and* refer the matter for a determination on its merits to a compensation judge, who shall make such findings of fact, conclusions of law, and award or disallowance of compensation or other order as the pleadings and the evidence produced and the provisions of this chapter shall require.

Sec. 96. Minnesota Statutes 1980, Section 176.471, Subdivision 3, is amended to read:

Subd. 3. [SERVICE OF WRIT AND BOND; FILING FEE.] To effect a review upon certiorari, the party shall serve a writ of certiorari and a bond upon the ~~commissioner of the department of labor and industry~~ *administrator of the workers' compensation court of appeals* within the 30 day period referred to in subdivision 1. The party shall also at this time pay to the ~~secretary of the commissioner of the department of labor and industry~~ *administrator* the fee prescribed by rule 103.01 of the rules of civil appellate procedure which shall be disposed of in the manner provided by that rule.

Sec. 97. Minnesota Statutes 1980, Section 176.471, Subdivision 5, is amended to read:

Subd. 5. [BOND.] The bond required by subdivision 3 shall be executed in such amount and with such sureties as the ~~commissioner of the department of labor and industry~~ *workers' compensation court of appeals* directs and approves. The bond shall be conditioned to pay the cost of the review.

Sec. 98. Minnesota Statutes 1980, Section 176.471, Subdivision 6, is amended to read:

Subd. 6. [TRANSMITTAL OF FEE AND RETURN.] When the writ of certiorari has been served upon the ~~commissioner of the department of labor and industry~~ *administrator of the workers' compensation court of appeals* , the bond has been filed, and the filing fee has been paid, the ~~commissioner of the department of labor and industry~~ *administrator* shall immediately transmit to the clerk of the supreme court that filing fee and the return to the writ of certiorari and bond.

Sec. 99. Minnesota Statutes 1980, Section 176.471, Subdivision 8, is amended to read:

Subd. 8. [RETURN OF PROCEEDINGS TRANSMITTED TO COURT.] Within 30 days after the writ of certiorari, bond, and filing fee have been filed with the ~~commissioner of the department of labor and industry~~ *administrator of the workers' compensation court of appeals* , the ~~commissioner of the department of labor and industry~~ *administrator* shall transmit to the clerk of the supreme court a true and complete return of the proceedings of the workers' compensation court of appeals under review, or such part of those proceedings as is necessary to allow the supreme court to review properly the questions presented.

The ~~commissioner of the department of labor and industry~~ *workers' compensation court of appeals* shall certify the return of the proceedings under ~~his~~ *its* seal. The petitioner or relator shall pay to the ~~commissioner of the department of labor and industry~~ *administrator of the workers' compensation court of appeals* the reasonable expense of preparing the return.

Sec. 100. Minnesota Statutes 1980, Section 176.491, is amended to read:

176.491 [STAY OF PROCEEDINGS PENDING DISPOSITION OF CASE.]

Where a writ of certiorari has been perfected under this chapter, it stays all proceedings for the enforcement of the order being reviewed until the case has been finally disposed of either in the supreme court or, where the cause has been remanded to the workers' compensation division for a new hearing *before a compensation judge* or further proceedings ~~,~~ before the workers' compensation court of appeals ~~or compensation judge~~ .

Sec. 101. Minnesota Statutes 1980, Section 176.511, Subdivision 1, is amended to read:

Subdivision 1. [PARTIES NOT AWARDED COSTS.] Except as provided otherwise by this chapter and specifically by this section, in ~~hearings~~ *appeals* before the workers' compensation court of appeals ~~, or a judge of the workers' compensation court of appeals,~~ or *hearings before a* compensation judge, costs shall not be awarded to either party.

Sec. 102. Minnesota Statutes 1980, Section 176.521, Subdivision 1, is amended to read:

Subdivision 1. [VALIDITY.] An agreement between an employee or his dependent and the employer or insurer to settle any claim, which is not upon appeal before the workers' compensation court of appeals, for compensation

under this chapter is valid where it has been executed in writing and signed by the parties, and intervenors in the matter, and the division *or a compensation judge* has approved the settlement and made an award thereon. If the matter is upon appeal before the workers' compensation court of appeals, the workers' compensation court of appeals is the approving body.

Sec. 103. Minnesota Statutes 1980, Section 176.521, Subdivision 2, is amended to read:

Subd. 2. [APPROVAL.] Settlements shall be approved only where the terms conform with this chapter.

The division , *a compensation judge,* and the workers' compensation court of appeals shall exercise discretion in approving or disapproving a proposed settlement.

The parties to the agreement of settlement have the burden of proving that the settlement is reasonable, fair, and in conformity with this chapter. A settlement agreement where both the employee or his dependent and the employer or insurer and intervenors in the matter are represented by an attorney shall be presumed to be reasonable, fair, and in conformity with this chapter.

Sec. 104. Minnesota Statutes 1980, Section 176.531, Subdivision 3, is amended to read:

Subd. 3. [PROMPT PAYMENT.] *It is the intent of* this section ~~shall be liberally construed to insure the~~ *that there be* prompt payment of compensation.

Sec. 105. Minnesota Statutes 1980, Section 176.645, is amended to read:

176.645 [ADJUSTMENT OF BENEFITS.]

Subdivision 1. [AMOUNT.] For injuries occurring after October 1, 1975 for which benefits are payable under section 176.101, subdivisions 1, 2 and 4, and section 176.111, subdivision 5, the ~~amount~~ *total benefits* due the employee or any dependents shall be adjusted in accordance with this section. On October 1, ~~1976~~ *1981* , and ~~each October 1~~ thereafter *on the anniversary of the date of the employee's injury* the ~~amount~~ *total benefits* due shall be adjusted by multiplying the ~~amount~~ *total benefits* due prior to each adjustment by a fraction, the denominator of which is the statewide average weekly wage for December 31, 21 months prior to the adjustment and the numerator of which is the statewide average weekly wage for December 31, nine months prior to the adjustment. For injuries occurring after October 1, 1975, all adjustments provided for in this section shall be included in computing any benefit due under this section. Any limitations of amounts due for daily or weekly compensation under this chapter shall not apply to adjustments made under this section. No adjustment increase made on October 1, 1977 or thereafter under this section shall exceed six percent a year. In those instances where the adjustment under the formula of this section would exceed this maximum the increase shall be deemed to be six percent.

Subd. 2. [TIME OF FIRST ADJUSTMENT.] *For injuries occurring on or after October 1, 1981, the adjustment made pursuant to subdivision 1 shall not take effect until the first anniversary of the date of the employee's injury falling after 52 weeks from the date of injury. The initial adjustment made in the benefits of an employee or dependent who has received compensation for 52*

weeks shall not include payment in the amount the employee or dependent would have received if the annual adjustment had been permitted prior to the 52 week waiting period.

Sec. 106. Minnesota Statutes 1980, Section 179.74, Subdivision 4, is amended to read:

Subd. 4. The commissioner of employee relations shall meet and negotiate with the exclusive representative of each of the units specified in section 179.741, subdivision 1, in the manner prescribed by sections 179.61 to 179.76. The appropriate units provided for in section 179.741 shall be the only appropriate units for executive branch state employees. The positions and classes of positions in the classified and unclassified services defined as managerial by the commissioner of employee relations in accordance with the provisions of section 43.326 and so designated in the official state compensation schedules, all unclassified positions in the state university system and the community college system defined as managerial by their respective boards, all positions of physician employees compensated pursuant to section 43.126, the positions of all unclassified employees appointed by the governor, lieutenant governor, secretary of state, attorney general, treasurer and auditor, all positions in the bureau of mediation services and the public employment relations board, all hearing examiner *and compensation judge* positions in the office of administrative hearings, and the positions of all confidential employees shall be excluded from any appropriate unit. The governor may upon the unanimous written request of exclusive representatives of units and the commissioner direct that negotiations be conducted for one or more units in a common proceeding or that supplemental negotiations be conducted for portions of a unit or units defined on the basis of appointing authority or geography.

Sec. 107. [TRANSITION AND VALIDATION; WORKERS' COMPENSATION COURT OF APPEALS.]

Subdivision 1. [PURPOSE.] *It is the purpose and intent of the legislature to constitute the workers' compensation court of appeals an independent agency of the state and this act is not intended to affect any substantive rights beyond the extent necessary to accomplish said purpose. Any rules, decisions or other actions under chapter 175 and chapter 176 prior to the effective date of this section shall continue in full force and effect unless this act expressly provides otherwise. Matters currently before the workers' compensation court of appeals shall not be affected by the provisions of this act.*

Subd. 2. [PERSONNEL.] *All personnel appointed by the commissioner of labor and industry to perform full time duties for the workers' compensation court of appeals are transferred to the workers' compensation court of appeals. The transfer shall not affect any other term or condition of the transferred employee's employment.*

Sec. 108. [TRANSITION; COMPENSATION JUDGES.]

It is the purpose and intent of this act to transfer the compensation judges now hearing matters in the workers' compensation division of the department of labor and industry to the office of administrative hearings as a separate unit in order to provide for a completely objective hearing process with regard to workers' compensation matters.

Notwithstanding the provisions of any law to the contrary, the provisions of

this act shall not be construed to require that hearings in workers' compensation matters be subject to the contested case procedures of the administrative procedure act. Any provision of chapter 176 which would conflict with the provisions of this act with regard to the hearing procedures to be followed in workers' compensation matters are subordinate to the provisions of this act.

Sec. 109. [REDUCED RATES; BENEFITS.]

On the effective date of this act, the average insurance rate schedule for workers' compensation benefits required under this chapter shall be reduced by the commissioner, pursuant to the authority granted in section 8, by not less than ten percent from the average schedule of rates in effect immediately before such date.

The reduced rates shall be in addition to the reduction provided in section 9 and shall remain in effect for at least one year. There shall be no exception to the requirements of this section unless the commissioner of insurance finds that an intervening statutory change has caused the reduced rates to be inadequate or unfairly discriminatory as defined under chapter 79. In that event, the commissioner of insurance may, pursuant to section 8 and chapter 79, order a public hearing to determine an appropriate schedule of rates.

Sec. 110. [REDUCED RATES; IMPROVEMENTS.]

On the effective date of this act, the average rate schedules shall be reduced by the commissioner, pursuant to the authority granted in section 8, by not less than ten percent from the average schedule of rates in effect immediately before such date, as a reflection of the cost savings provided by the improvement in administration procedures, the changes in the workers' compensation hearing process and the reorganization of the workers' compensation court of appeals.

Sec. 111. [APPROPRIATIONS.]

Subdivision 1. The sum of $840,000 is appropriated from the general fund to the commissioner of labor and industry for the purpose of implementing sections 14 and 15.

Subd. 2. The sum of $..... is appropriated from the general fund to the legislative coordinating commission for the purpose of conducting, in cooperation with the commissioner of insurance, a thorough study of the flow of all premium dollars paid to workers' compensation insurers in the state of Minnesota, including a closed compensation claim survey and an examination of insurer reserving practices. A report shall be made to the legislature by January 15, 1982.

Subd. 3. There is appropriated to the workers' compensation court of appeals for the fiscal years ending June 30 of the year indicated from the general fund in the state treasury:

	1982	1983
	.....	.....
Approved complement		

Subd. 4. The sum of $..... is appropriated from the general fund to the commissioner of the department of labor and industry for the purpose of hiring seven additional personnel in the rehabilitation services section of the workers' compensation division and a maximum of .... additional support personnel

needed in conjunction with the departmental improvements provided under section 15.

Approved complement .....

Sec. 112. [REPEALER.]

Minnesota Statutes 1980, Sections 175.006, Subdivisions 1a and 2; 175.0061; 175.09; 176.111, Subdivision 11; 176.155, Subdivision 2; and 176.441, Subdivision 2, are repealed.

Sec. 113. [EFFECTIVE DATE.]

Section 9 is effective on the day following final enactment. Sections 1 to 8 and sections 10 to 112 are effective August 1, 1981."

Amend the title as follows:

Page 1, delete lines 2 to 5 and insert:

"relating to workers' compensation; expressing the intent of the legislature with respect to chapter 176; transferring compensation judges from the workers' compensation division to a separate division within the office of administrative hearings; making the workers' compensation court of appeals a separate and independent agency with appellate review powers; providing for a discount assumption with respect to calculating reserves for claims of insurance companies; authorizing the commissioner of insurance to initiate a rate hearing; permitting benefit payment amounts to be rounded to whole dollars; clarifying certain provisions with respect to the Minnesota workers' compensation reinsurance association; redefining the maximum reinsurance liability limitation as a prefunded limit; providing for a survey of closed compensation claims and an examination of insurer reserving practices; removing the exemption of political subdivisions from the definitions of insurer and insurance in chapter 79; providing for the design and implementation of an improved records and information system in the department of labor and industry; providing for the addition of rehabilitation and computer support personnel in the department of labor and industry; permitting the commissioner of labor and industry to negotiate with his counterparts in other states in jurisdictional disputes; establishing a preponderance of the evidence standard in factual determinations under chapter 176; granting subrogation rights to the special compensation fund in third party actions; providing for lump sum permanent partial disability payments on return to work and weekly payments if an employee could but does not return to work; limiting attorneys' fees to only disputed portions of claims; providing a procedure for settlement offers by any litigant in a disputed claim proceeding; requiring claimants' attorneys to provide their clients with written information regarding fees under chapter 176; providing a penalty for attorneys who violate the fee provisions of chapter 176; providing a ten year limitation on death benefits to dependents; providing rehabilitation opportunities for dependent surviving spouses; requiring the commissioner of labor and industry to adopt disability degree schedules; prohibiting combined workers' compensation and government survivor benefits from exceeding the limit provided in chapter 176; providing a new formula for determining assessments against employers and insurers for the special compensation fund; providing for payment of attorneys' fees in disputes over supplementary benefits; requiring the commissioner of labor and industry to utilize a medical fee schedule; requiring the commissioner to review the quality

of care and other aspects of medical delivery under workers' compensation; establishing a medical panel to resolve disputes over medical disability; providing for payment of wage replacement or disability payments by a group insurer under appropriate provisions pending resolution of liability dispute over compensability; providing for early payment of benefits and a penalty for delay; requiring benefit payments to be made by immediately negotiable instrument; providing that notices of discontinuance of benefit payments be sent directly to claimant by insurer; providing that division legal assistance employees be transferred to the attorney general; delaying first benefit adjustment under chapter 176 for 52 weeks from date of injury; mandating an insurance rate reduction by an amount reflecting cost savings due to benefit and administrative changes; providing penalties; appropriating money; amending Minnesota Statutes 1980, Sections 15.052, Subdivisions 1 and 3; 15A.083, by adding a subdivision; 43.064; 60A.15, Subdivision 1; 79.01, Subdivisions 2 and 3; 79.071, by adding subdivisions; 79.34, Subdivisions 1 and 2; 79.35; 79.36; 175.007; 175.101, by adding a subdivision; 175.11, Subdivision 1; 175.14; 175.17; 176.021, Subdivisions 1 and 3, and by adding subdivisions; 176.041, by adding a subdivision; 176.061, Subdivisions 1, 3, 4, 5, 6 and 7; 176.081, Subdivision 1, and by adding subdivisions; 176.101, Subdivision 3; 176.102, by adding a subdivision; 176.105, Subdivision 1; 176.111, Subdivisions 6, 7, 8, 10 and 21, and by adding a subdivision; 176.131, Subdivision 10; 176.132, Subdivision 2; 176.133; 176.136; 176.161, Subdivision 1; 176.181, Subdivisions 2 and 3, and by adding a subdivision; 176.191; 176.221; 176.225, by adding a subdivision; 176.231, Subdivisions 2 and 7; 176.241, Subdivisions 1, 2 and 3; 176.261; 176.291; 176.301, Subdivision 1; 176.305; 176.311; 176.331; 176.341, Subdivision 1; 176.351; 176.371; 176.381; 176.391; 176.401; 176.411, Subdivisions 1 and 2; 176.421, Subdivisions 1, 5, 6 and 7; 176.431, Subdivision 1; 176.441, Subdivision 1; 176.461; 176.471, Subdivisions 3, 5, 6 and 8; 176.491; 176.511, Subdivision 1; 176.521, Subdivisions 1 and 2; 176.531, Subdivision 3; 176.645; and 179.74, Subdivision 4; proposing new law coded as Minnesota Statutes, Chapter 175A; and proposing new law coded in Minnesota Statutes, Chapter 176; repealing Minnesota Statutes 1980, Sections 175.006, Subdivisions 1a and 2; 175.0061; 175.09; 176.111, Subdivision 11; 176.155, Subdivision 2; and 176.441, Subdivision 2."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 671: A bill for an act relating to crimes; conforming the definition of trade secret in the law proscribing theft to the definition of trade secret in the uniform trade secrets act; amending Minnesota Statutes 1980, Section 609.52, Subdivision 1.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 985: A bill for an act relating to crimes; providing for the type of proof of the fact of killing in murder and manslaughter cases; amending Minnesota Statutes 1980, Section 634.051.

Reports the same back with the recommendation that the bill be amended as

follows:

Page 1, line 13, strike ", the former by direct"

Page 1, line 13, delete "*or*"

Page 1, line 14, delete "*circumstantial evidence*"

Page 1, line 14, strike ", and the latter"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 838: A bill for an act relating to crimes; increasing the maximum fine for petty misdemeanors, misdemeanors, gross misdemeanors and felonies; amending Minnesota Statutes 1980, Sections 169.89, Subdivision 2; 412.231; 609.02, Subdivisions 3 and 4a; 609.03; 609.031; and 609.032.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 21, strike "such"

Page 1, line 22, delete "*$700*" and insert "*$750*"

Page 2, lines 3, 23 and 34, delete "*$700*" and insert "*$750*"

Page 3, line 8, strike "such" and insert "*the*"

Page 3, line 10, delete "*$700*" and insert "*$750*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 1008: A bill for an act relating to courts; tax court; increasing the number of authorized administrative employees; amending Minnesota Statutes 1980, Section 271.02.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 378: A bill for an act relating to marriage dissolution; clarifying factors to consider in awarding maintenance; amending Minnesota Statutes 1980, Section 518.552.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 19, reinstate the stricken language

Page 2, line 1, delete ", *including permanently*,"

Page 2, lines 15 to 19, delete the new language

Page 2, line 21, after "*employment*" insert "*or education*"

Page 2, line 32, delete "*In evaluating the contribution of a*"

Page 2, delete lines 33 to 36

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 1047: A bill for an act relating to negligent fires; altering minimum sentences for negligent fires; amending Minnesota Statutes 1980, Section 609.576.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 20, delete "*$500*" and insert "*$750*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was re-referred

S. F. No. 939: A bill for an act relating to human rights; permitting the filing of a charge of unfair discriminatory practice directly in district court; authorizing injunctions for acts of reprisal; increasing the award of punitive damages; permitting the recovery of damages for mental anguish and suffering; amending Minnesota Statutes 1980, Sections 363.06, Subdivisions 1, 3 and 4; 363.071, Subdivision 2; and 363.14, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, line 36, delete "*which may include*"

Page 4, line 36, strike "damages for mental anguish or suffering,"

Page 5, line 3, delete "*$10,000*" and insert "*$4,000*"

Page 5, line 33, delete the comma and insert:

"*(b)*"

Page 5, line 35, delete "*(b)*" and insert "*(1)*"

Page 6, line 5, delete "*(c)*" and insert "*(2)*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Stumpf from the Committee on Elections and Reapportionment, to which was referred

S. F. No. 847: A bill for an act relating to elections; changing certain definitions, providing for extended time limits, and clarifying certain provisions of the ethics in government law; amending Minnesota Statutes 1980, Sections 10A.01, Subdivisions 7 and 10; 10A.15, Subdivision 3; 10A.27, Subdivision 8; and 10A.28, Subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, delete ", *endorsement of a loan*"

Page 2, lines 9 and 10, delete "*or the endorsement of a loan,*"

Page 3, line 26, delete ", *endorsements of loans*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 827: A bill for an act relating to arson; prescribing procedures for the investigation of fires by the fire marshal; amending Minnesota Statutes 1980, Sections 299F.08; and 299F.09.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 12, strike the first comma

Page 1, line 13, strike "may enter"

Page 1, lines 13 and 14, delete the new language

Page 1, line 14, strike "examine" and insert "*within a reasonable time after a fire has been extinguished, may enter*"

Page 1, line 16, before the period, insert "*to investigate and gather evidence*"

Page 1, line 17, delete "*section, the judge or*" and insert "*subdivision,*"

Page 1, line 18, delete "*judicial officer shall balance*"

Page 1, line 19, after "*fire*" insert "*shall be balanced*"

Page 1, line 24, delete "*for investigatory purposes*" and insert "*to investigate and gather evidence*"

Page 2, line 2, delete "*or other judicial officer*"

Page 2, line 4, after "*warrant*" insert "*for the purposes of this subdivision*"

Page 2, lines 4 and 22, delete "*or judicial officer*"

Page 2, line 33, delete "*occupants*" and insert "*occupant*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 1150: A bill for an act relating to the interstate compact on juveniles; amending the compact to require the home state to authorize the return of a runaway juvenile and to permit a state in which a juvenile is found to return him to a state in which the juvenile is charged with being a delinquent by reason of a violation of criminal law; amending Minnesota Statutes 1980, Section 260.51.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 767: A bill for an act relating to counties; providing for publication of certain salary and expense information; amending Minnesota Statutes 1980, Section 375.17.

Reports the same back with the recommendation that the bill be amended as

follows:

Page 2, line 7, after "*to*" insert "*individual*"

Page 2, line 7, delete "*but shall*" and insert a period

Page 2, delete line 8

Amend the title as follows:

Page 1, line 3, delete "salary and expense" and insert "financial"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 649: A bill for an act relating to probate; limiting benefits under life insurance policies payable to corporations to portion of shares not owned by person who killed decedent; establishing procedures for distribution of unpaid benefits; amending Minnesota Statutes 1980, Section 524.2-803.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, lines 4 and 7, reinstate "or other contractual arrangement"

Page 2, line 7, after "bond" strike the comma

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 656: A bill for an act relating to coroners; eliminating the requirement of filing a certificate of no inquest; amending Minnesota Statutes 1980, Section 390.17.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 830: A bill for an act relating to creditor's remedies; providing for an increase in the amount of household goods exemption; amending Minnesota Statutes 1980, Section 550.37, Subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, lines 13, 20 and 25, delete "*$6,000*" and insert "*$4,000*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 470: A bill for an act relating to the collection and dissemination of data; classifying data; proposing classifications of data as private, confidential nonpublic and protected nonpublic; amending Minnesota Statutes 1980, Sections 15.1693, by adding a subdivision; 15.1695, Subdivision 1, and by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 15.

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 1980, Section 15.1611, Subdivision 2, is amended to read:

Subd. 2. [CITATION.] Sections 15.1611 to ~~15.1698~~ *15.1699* may be cited as the "Minnesota government data practices act."

Sec. 2. Minnesota Statutes 1980, Section 15.162, Subdivision 1a, is amended to read:

Subd. 1a. [ARREST INFORMATION.] "Arrest information" shall include (a) the name, age, and address of an arrested individual; (b) the nature of the charge against the arrested individual; (c) the time and place of the arrest; (d) the identity of the arresting agency; (e) information as to whether an individual has been incarcerated and the place of incarceration. "Arrest information" does not include data specifically made private, confidential or nonpublic pursuant to section 260.161 or any other statute. *Arrest information is public data on individuals.*

Sec. 3. Minnesota Statutes 1980, Section 15.162, Subdivision 2a, is amended to read:

Subd. 2a. [CONFIDENTIAL DATA ON INDIVIDUALS.] "Confidential data on individuals" means data which is: (a) made not public by statute or federal law applicable to the data and is inaccessible to the individual subject of that data; or (b) collected by a civil or criminal investigative agency as part of an active investigation undertaken for the purpose of the commencement of a legal action, provided that the burden of proof as to whether ~~such~~ *the* investigation is active or in anticipation of a legal action is upon the agency. ~~Confidential data on individuals does not include arrest information that is reasonably contemporaneous with an arrest or incarceration.~~ The provision of clause (b) shall terminate and cease to have force and effect with regard to the state agencies, political subdivisions, statewide systems, covered by the ruling, upon the granting or refusal to grant a temporary classification pursuant to section 15.1642 of both criminal and civil investigative data, or on July 31, 1981, whichever occurs first.

Sec. 4. Minnesota Statutes 1980, Section 15.162, Subdivision 5a, is amended to read:

Subd. 5a. [PRIVATE DATA ON INDIVIDUALS.] "Private data on individuals" means data which is made by statute or federal law applicable to the data: (a) not public; and (b) accessible to the individual subject of that data. ~~Private data on individuals does not include arrest information that is reasonably contemporaneous with an arrest or incarceration.~~

Sec. 5. Minnesota Statutes 1980, Section 15.162, Subdivision 5b, is amended to read:

Subd. 5b. [PUBLIC DATA ON INDIVIDUALS.] "Public data on individuals" means data which is accessible to the public in accordance with the provisions of section ~~15.17~~ *15.1621*.

Sec. 6. Minnesota Statutes 1980, Section 15.162, Subdivision 5c, is amended to read:

Subd. 5c. [NONPUBLIC DATA.] "~~Non public~~ *Nonpublic* data" means data not on individuals which is made by statute or federal law applicable to the data: (a) not public; and (b) accessible to the subject, *if any*, of the data.

Sec. 7. Minnesota Statutes 1980, Section 15.162, Subdivision 8, is amended to read:

Subd. 8. [STATEWIDE SYSTEM.] "Statewide system" includes any record-keeping system in which ~~data on individuals~~ *government data* is collected, stored, disseminated and used by means of a system common to one or more state agencies or more than one of its political subdivisions or any combination of state agencies and political subdivisions.

Sec. 8. Minnesota Statutes 1980, Section 15.163, Subdivision 4, is amended to read:

Subd. 4. [COLLECTION AND USE OF DATA; GENERAL RULE.] Private or confidential data on an individual shall not be collected, stored, used or disseminated by political subdivisions, statewide systems or state agencies for any purposes other than those stated to the individual at the time of collection in accordance with section 15.165, except as provided in this subdivision.

(a) Data collected prior to August 1, 1975, and which have not been treated as public data, may be used, *stored*, and disseminated for the purposes for which the data was originally collected or for purposes which are specifically approved by the commissioner as necessary to public health, safety, or welfare.

(b) Private or confidential data may be used and disseminated to individuals or agencies specifically authorized access to that data by state, *local*, or federal law subsequent to the collection of the data.

(c) Private or confidential data may be used and disseminated to individuals or agencies subsequent to the collection of the data when *the responsible authority maintaining the data has requested approval for a new or different use or dissemination of the data and that request has been* specifically approved by the commissioner as necessary to carry out a function assigned by law.

(d) Private data may be used by and disseminated to any person or agency if the individual subject or subjects of the data have given their informed consent. Whether a data subject has given informed consent shall be determined by rules of the commissioner. Informed consent shall not be deemed to have been given by an individual subject of the data by the signing of any statement authorizing any person or agency to disclose information about him or her to an insurer or its authorized representative, unless the statement is:

(1) In plain language;

(2) Dated;

(3) Specific in designating the particular persons or agencies the data subject is authorizing to disclose information about him or her;

(4) Specific as to the nature of the information he or she is authorizing to be disclosed;

(5) Specific as to the persons or agencies to whom he or she is authorizing information to be disclosed;

(6) Specific as to the purpose or purposes for which the information may be used by any of the parties named in clause (5), both at the time of the disclosure and at any time in the future;

(7) Specific as to its expiration date which should be within a reasonable period of time, not to exceed one year except in the case of authorizations given in connection with applications for life insurance or noncancelable or guaranteed renewable health insurance and identified as such, two years after the date of the policy.

Sec. 9. Minnesota Statutes 1980, Section 15.1642, Subdivision 2a, is amended to read:

Subd. 2a. [CONTENTS OF APPLICATION FOR ~~NON-PUBLIC~~ *NONPUBLIC* DATA.] An application for temporary classification of government data not on individuals shall include and the applicant shall have the burden of clearly establishing that no statute currently exists which either allows or forbids classification as ~~non-public~~ *nonpublic or protected nonpublic*; and either

(a) That data similar to that for which the temporary classification is sought has been treated as ~~non-public~~ *nonpublic or protected nonpublic* by other state agencies or political subdivisions, and by the public; or

(b) Public access to the data would render unworkable a program authorized by law; or

(c) That a compelling need exists for immediate temporary classification, which if not granted could adversely affect the health, safety or welfare of the public.

Sec. 10. Minnesota Statutes 1980, Section 15.165, Subdivision 3, is amended to read:

Subd. 3. [INDIVIDUAL ACCESS.] Upon request to a responsible authority, an individual shall be informed whether he is the subject of stored data on individuals, and whether it is classified as public, private or confidential. Upon his further request, an individual who is the subject of stored private or public data on individuals shall be shown the data without any charge to him and, if he desires, shall be informed of the content and meaning of that data. After an individual has been shown the private ~~or public~~ data and informed of its meaning, the data need not be disclosed to him for six months thereafter unless a dispute or action pursuant to this section is pending or additional data on the individual has been collected or created. The responsible authority shall provide copies of the private or public data upon request by the individual subject of the data. The responsible authority may require the requesting person to pay the actual costs of making, certifying, and compiling the copies.

The responsible authority shall comply immediately, if possible, with any request made pursuant to this subdivision, or within five days of the date of the request, excluding Saturdays, Sundays and legal holidays, if immediate compliance is not possible. If he cannot comply with the request within that time, he shall so inform the individual, and may have an additional five days within which to comply with the request, excluding Saturdays, Sundays and legal holidays.

Sec. 11. Minnesota Statutes 1980, Section 15.1672, is amended to read:

15.1672 [EXAMINATION DATA.]

Data consisting solely of testing or examination materials, or scoring keys used solely to determine individual qualifications for appointment or promotion in public service, or used to administer a licensing examination, or academic examination, the disclosure of which would compromise the objectivity or fairness of the testing or examination process are classified as nonpublic, except pursuant to court order. *Completed versions of personnel, licensing, or academic examinations shall be accessible to the individual who completed the examination, unless the responsible authority determines that access would compromise the objectivity, fairness, or integrity of the examination process. Notwithstanding section 15.165, the responsible authority shall not be required to provide copies of completed examinations or answer keys to any individual who has completed an examination.*

Sec. 12. Minnesota Statutes 1980, Section 15.1673, is amended to read:

15.1673 [GENERAL NONPUBLIC DATA.]

Subdivision 1. As used in this section, the following terms have the meanings given them.

(a) "Security information" means government data the disclosure of which would be likely to substantially jeopardize the security of information, possessions, individuals or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury.

(b) "Trade secret information" means government data, including a formula, pattern, compilation, program, device, method, technique or process (1) that was supplied by the affected individual or organization, (2) that is the subject of efforts by the individual or organization that are reasonable under the circumstances to maintain its secrecy, and (3) that derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.

(c) "Labor relations information" means management positions on economic and non-economic items that have not been presented during the collective bargaining process or interest arbitration, including information specifically collected or created to prepare the management position.

(d) "Land acquisition information" means all appraisal reports and other data identifying real property under consideration for public acquisition or relating to land value collected, maintained, prepared for or by any state agency or political subdivision in connection with real property proposed to be acquired by the state agency or political subdivision by negotiation or eminent domain which are not subject to disclosure pursuant to Minnesota Rules of Civil Procedure until the real property is acquired.

Subd. 2. [CLASSIFICATION.] The following government data is classified as nonpublic data with regard to data not on individuals, pursuant to section 15.162, subdivision 5c, and as private data with regard to data on individuals, pursuant to section 15.162, subdivision 5a: Security information, trade secret information, sealed absentee ballots prior to opening by an election judge, sealed bids prior to the opening of the bid, ~~and~~ labor relations information *and land acquisition information. Provided that specific labor relations informa-*

tion which relates to a specific labor organization is classified as protected nonpublic data pursuant to section 15.162, subdivision 5d.

Sec. 13. Minnesota Statutes 1980, Section 15.1692, Subdivision 3, is amended to read:

Subd. 3. [PUBLIC EMPLOYMENT.] Except for applicants described in subdivision 6, the following personnel data on current and former applicants for employment by a state agency, statewide system or political subdivision is public: veteran status; relevant test scores; rank on eligible list; job history; education and training; and work availability. Names of applicants shall be private data except when certified as eligible for appointment to a vacancy *or when applicants are considered by the appointing authority to be finalists for a position in public employment. For purposes of this subdivision, "finalist" means an individual who is interviewed by the appointing authority prior to selection.*

Sec. 14. Minnesota Statutes 1980, Section 15.1692, is amended by adding a subdivision to read:

Subd. 7. [ACCESS BY LABOR ORGANIZATIONS.] *Personnel data may be disseminated to labor organizations to the extent that the responsible authority determines that the dissemination is necessary to conduct elections, notify employees of fair share fee assessments, and implement the provisions of chapter 179. Personnel data shall be disseminated to labor organizations and to the bureau of mediation services to the extent the dissemination is ordered or authorized by the director of the bureau of mediation services.*

Sec. 15. Minnesota Statutes 1980, Section 15.1693, is amended by adding a subdivision to read:

Subd. 1a. [STUDENT HEALTH DATA.] *Health data concerning students, including but not limited to, data concerning immunizations, notations of special physical or mental problems and records of school nurses; and pupil census data, including but not limited to, emergency information, family information and data concerning parents shall be considered educational data. Access by parents to student health data shall be pursuant to section 15.162, subdivision 4.*

Sec. 16. Minnesota Statutes 1980, Section 15.1695, Subdivision 1, is amended to read:

Subdivision 1. [CRIME REPORTS.] When collected, created, or maintained by law enforcement agencies including municipal police departments, county sheriff departments, *fire departments,* the bureau of criminal apprehension, the Minnesota state patrol~~,~~ *or* the peace officers standards and training board ~~, or public prosecutors or defenders~~:

~~(a) Data on participants in crime prevention programs including lists of property with identification numbers or evaluations or recommendations related to structural security against unauthorized entry is private; and~~

~~(b)~~ *(a)* Data contained on incident complaint reports, variously called logs or dockets, comprising a chronological record of events, shall be public; provided that data on individuals which could reasonably be used to determine the identity of an undercover agent, informant, or victim of criminal sexual conduct shall be private data on individuals; provided further that any other data

classified by law as private or confidential contained in incident complaint reports shall remain private or confidential data.

(b) Data in arrest warrant indices are classified as confidential pursuant to section 15.162, subdivision 2a, until the defendant has been taken into custody, served with a warrant, or appears before the court except when the law enforcement agency determines that the public purpose is served by making the information to be public.

(c) Data which uniquely describes stolen, lost, confiscated or recovered property or property described in pawn shop transaction records are classified as either private or nonpublic depending on the content of the specific data.

Sec. 17. Minnesota Statutes 1980, Section 15.1698, Subdivision 1, is amended to read:

Subdivision 1. [DEFINITION.] As used in this section: (a) "Directory information" means name of the patient, date admitted, general condition, and date released.

(b) "Medical data" means data collected because an individual was or is a patient or client of a hospital, nursing home, medical center, clinic, health or nursing agency operated by a state agency or political subdivision including business and financial records, *data provided by private health care facilities,* and data provided by or about relatives of the individual.

Sec. 18. Minnesota Statutes 1980, Section 15.1699, is amended to read:

15.1699 [EMPLOYEE ASSISTANCE DATA.]

All data created, collected or maintained by ~~the department of administration~~ *any state agency or political subdivision* to administer ~~the~~ employee assistance ~~program~~ *programs similar to the one authorized by section 16.02, subdivision 28,* are classified as private, pursuant to section 15.162, subdivision 5a.

Sec. 19. [PUBLIC SAFETY DATA.]

The following data collected and maintained by the state department of public safety are classified as private, pursuant to section 15.162, subdivision 5a: medical data on driving instructors, licensed drivers, and applicants for parking certificates and special license plates issued to physically handicapped persons; and data on telephone and radio recording tapes that are not classified as confidential pursuant to section 15.162, subdivision 2a, clause (b) or any other statute. The following data collected and maintained by the state department of public safety are classified as confidential, pursuant to section 15.162, subdivision 2, clause (a): data concerning an individual's driving ability when that data is received from a member of the individual's family.

Sec. 20. [SALARY BENEFIT SURVEY DATA.]

Salary and personnel benefit survey data purchased from consulting firms, nonprofit corporations or associations or obtained from employers with the written understanding that the data shall not be made public which is maintained by state agencies, political subdivisions or statewide systems are classified as nonpublic pursuant to section 15.162, subdivision 5c.

Sec. 21. [FIREARMS DATA.] *All data pertaining to the purchase or*

transfer of firearms and applications for permits to carry firearms which are collected by state agencies, political subdivisions or statewide systems pursuant to sections 624.712 to 624.718 are classified as private, pursuant to section 15.162, subdivision 5a.

Sec. 22. [SOCIAL RECREATIONAL DATA.]

The following data collected and maintained by political subdivisions for the purpose of enrolling individuals in recreational and other social programs are classified as private, pursuant to section 15.162, subdivision 5a: data which describes the health or medical condition of the individual, family relationships and living arrangements of an individual or which are opinions as to the emotional makeup or behavior of an individual.

Sec. 23. [INVESTIGATIVE DATA NOT ON INDIVIDUALS.]

Subdivision 1. [DEFINITIONS.] *A "pending civil legal action" includes but is not limited to judicial, administrative or arbitration proceedings. Whether a civil legal action is pending shall be determined by the chief attorney acting for the state agency, political subdivision or statewide system.*

Subd. 2. [CIVIL ACTIONS.] *Data collected by state agencies, political subdivisions or statewide systems as part of an active investigation undertaken for the purpose of the commencement or defense of a pending civil legal action, or which are retained in anticipation of a pending civil legal action, are classified as protected nonpublic data pursuant to section 15.162, subdivision 5d.*

Sec. 24. [DOMESTIC ABUSE DATA.]

All government data on individuals which is collected, created, received or maintained by police departments, sheriffs' offices or clerks of court pursuant to the domestic abuse act, section 518B.01, are classified as confidential data, pursuant to section 15.162, subdivision 2a, until a temporary court order made pursuant to subdivisions 5 or 7 of section 518B.01 is executed or served upon the data subject who is the respondent to the action.

Sec. 25. [INACTIVE INVESTIGATIVE DATA.]

The following data contained in inactive criminal investigative files maintained by police or fire departments are classified as private data pursuant to section 15.162, subdivision 5a:

(a) The identities of witnesses to the extent that they were demonstrably assured prior to the effective date of this section that their identities would not be made available to the public; and

(b) Photographs which are part of inactive investigative files and which are clearly offensive to common sensibilities provided that the existence of the photographs shall be disclosed to any person requesting access to the inactive investigative file.

Sec. 26. [COURT SERVICES DATA.]

Subdivision 1. [DEFINITION.] *As used in this section "court services data" means data created, collected, used or maintained by a court services department, parole or probation authority, or correctional agency having statutorily granted supervision over individuals charged with violations of law*

or adjudicated to be guilty or delinquent by a district, municipal or county court and individuals appearing as petitioners or respondents before a family court, and includes data on individuals who are defendants, parolees or probationers of a municipal, district or county court, participants in diversion programs, petitioners or respondents to a family court, and juveniles adjudicated delinquent and committed, detained prior to a court hearing or hearings, or found to be dependent or neglected and placed under the supervision of the court.

Subd. 2. [GENERAL.] *Unless the data is summary data or a statute specifically provides a different classification, the following court services data are classified as private pursuant to section 15.162, subdivision 5a:*

(a) Court services data on individuals gathered at the request of a municipal, district or county court to determine the need for any treatment, rehabilitation, counseling, or any other need of any defendant, parolee, probationer, or participant in a diversion program, and used by the court to assist in assigning an appropriate sentence or other disposition in a case;

(b) Court services data on petitioners or respondents to a family court gathered at the request of the court for purposes of, but not limited to, individual, family, marriage, chemical dependency and marriage dissolution adjustment counseling, including recommendations to the court as to the custody of minor children in marriage dissolution cases;

(c) Court services data on individuals gathered by psychologists in the course of providing the court or its staff with psychological evaluations or in the course of counseling individual clients referred by the court for the purpose of assisting them with personal conflicts or difficulties.

Subd. 3. [THIRD PARTY INFORMATION.] *Whenever, in the course of gathering the private data specified above, a psychologist, probation officer or other agent of the court is directed by the court to obtain data on individual defendants, parolees, probationers, or petitioners or respondents to a family court, and the source of that data provides the data only upon the condition of its being held confidential, that data and the identity of the source shall be confidential data on individuals, pursuant to section 15.162, subdivision 2a, and shall not be disclosed except:*

(a) With the written permission of the source;

(b) To the court which has requested the data;

(c) To the court services department, parole or probation authority, or correctional agency having statutorily granted supervision over the individual subject of the data; or

(d) Pursuant to a valid court order.

Subd. 4. [PROBATION DATA.] *Progress reports and other reports and recommendations provided at the request of the court by parole or probation officers for the purpose of determining the appropriate legal action or disposition regarding an individual on probation are confidential data on individuals and shall not be disclosed except pursuant to the provisions specified in subdivision 3 of this section.*

Subd. 5. [PUBLIC DATA.] *The name of the individual and the fact that the*

individual is a parolee, probationer or participant in a diversion program are public data, pursuant to section 15.162, subdivision 5b.

Sec. 27. [MEDICAL EXAMINER DATA.]

Subdivision 1. [DEFINITION.] *As used in this section, "medical examiner data" means data relating to deceased individuals and the manner and circumstances of their death which is created, collected, used or maintained by a county coroner or medical examiner in the fulfillment of his official duties pursuant to chapter 390, or any other general or local law on county coroners or medical examiners.*

Subd. 2. [PUBLIC DATA.] *Unless specifically classified otherwise by state statute or federal law, the following data created or collected by a medical examiner or coroner on a deceased individual is public: name of the deceased; date of birth; date of death; address; sex; race; citizenship; height; weight; hair color; eye color; build; complexion; age, if known, or approximate age; identifying marks, scars and amputations; a description of the decedent's clothing; marital status; location of death including name of hospital where applicable; name of spouse; whether or not the decedent ever served in the armed forces of the United States; social security number; occupation; business; father's name; mother's maiden name; birthplace; birthplace of parents; cause of death; causes of cause of death; whether an autopsy was performed and if so, whether it was conclusive; date and place of injury, if applicable, including work place; how injury occurred; whether death was caused by accident, suicide, homicide, or was of undetermined cause; certification of attendance by physician; physician's name and address; certification by coroner or medical examiner; name and signature of coroner or medical examiner; type of disposition of body; burial place name and location, if applicable; date of burial, cremation or removal; funeral home name and address; and name of local register or funeral director.*

Subd. 3. [UNIDENTIFIED INDIVIDUAL; PUBLIC DATA.] *Whenever a county coroner or medical examiner is unable to identify a deceased individual subject to his investigation, he may release to the public any relevant data which would assist in ascertaining identity.*

Subd. 4. [CONFIDENTIAL DATA.] *Data created or collected by a county coroner or medical examiner which is part of an active investigation mandated by Minnesota Statutes, Chapter 390, or any other general or local law relating to coroners or medical examiners is confidential data on individuals pursuant to Minnesota Statutes, Section 15.162, Subdivision 2a, until the completion of the coroner's or medical examiner's final summary of his findings at which point the data collected in the investigation and the final summary thereof shall become private data on individuals, except that nothing in this subdivision shall be construed to make private or confidential the data elements identified in subdivision 2 at any point in the investigation or thereafter.*

Subd. 5. [PRIVATE DATA.] *All other medical examiner data on deceased individuals is private pursuant to Minnesota Statutes, Section 15.162, Subdivision 5a, and shall not be disclosed except pursuant to the provisions of Minnesota Statutes, Chapter 390, or any other general or local law on county coroners or medical examiners, or pursuant to a valid court order.*

Subd. 6. [OTHER DATA.] *Unless a statute specifically provides a different*

classification, all other data created or collected by a county coroner or medical examiner that is not data on deceased individuals or the manner and circumstances of their death is public pursuant to Minnesota Statutes, Section 15.1621.

Sec. 28. [CONSTITUENT DATA.]

Subdivision 1. [DEFINITION.] *As used in this section, "constituent data" means complaints received from constituents by elected public officials or their offices and information obtained by the officials or their offices as a result of efforts to investigate or resolve the complaints.*

Subd. 2. [CLASSIFICATION.] *Constituent data are classified as private data pursuant to section 15.162, subdivision 5a, but may be made public by the constituent or the elected public official.*

Sec. 29. [CRIMINAL HISTORY DATA.]

Subdivision 1. [DEFINITION.] *For purposes of this section "criminal history data" means all data maintained in criminal history records, including, but not limited to fingerprints, photographs, identification data, arrest data, prosecution data, criminal court data and custody or supervision data.*

Subd. 2. [CLASSIFICATION.] *Criminal history data maintained by state agencies, political subdivisions and statewide systems are classified as private, pursuant to section 15.162, subdivision 5a.*

Sec. 30. [WORKERS' COMPENSATION SELF-INSURANCE DATA.]

Financial data relating to nonpublic companies which are submitted to the commissioner of insurance for the purpose of obtaining approval to self-insure workers' compensation liability as a group are classified as nonpublic data, pursuant to section 15.162, subdivision 5c.

Sec. 31. [REVENUE DEPARTMENT INFORMANT DATA.]

Names of informers, informer letters and other unsolicited data, in whatever form, furnished to the state department of revenue by a person, other than the data subject or revenue department employee, which inform that a specific taxpayer is or may not be in compliance with the tax laws of this state are classified as confidential data pursuant to section 15.162, subdivision 2a.

Sec. 32. [LICENSING DATA.]

Subdivision 1. [DEFINITION.] *As used in this section "licensing agency" means any board, department or agency of this state which is given the statutory authority to issue professional or other types of licenses.*

Subd. 2. [PRIVATE DATA.] *The following data collected, created or maintained by any licensing agency are classified as private, pursuant to section 15.162, subdivision 5a: data, other than their names and addresses, submitted by licensees and applicants for licenses; the identity of complainants who have made reports concerning licensees or applicants which appear in inactive complaint data unless the complainant consents to having his or her name disclosed; the nature or content of unsubstantiated complaints when the information is not maintained in anticipation of legal action; the identity of patients whose medical records are received by any health licensing agency for purposes of review or in anticipation of a contested matter; inactive investiga-*

tive data relating to violations of statutes or rules; and the record of any disciplinary proceeding except as limited by subdivision 4.

Subd. 3. [CONFIDENTIAL DATA.] *The following data collected, created or maintained by any licensing agency are classified as confidential, pursuant to section 15.162, subdivision 2a: active investigative data relating to the investigation of complaints against any licensee.*

Subd. 4. [PUBLIC DATA.] *Licensing agency minutes, orders for hearing, findings of fact, conclusions of law and specification of the final disciplinary action contained in the record of the disciplinary action are classified as public, pursuant to section 15.162, subdivision 5b. The entire record concerning the disciplinary proceeding is public data pursuant to section 15.162, subdivision 5b, in those instances where there is a public hearing concerning the disciplinary action.*

Sec. 33. [FOSTER CARE DATA.]

The following data collected, created and maintained by a community action agency in a study of the impact of foster care policies on families are classified as confidential data, pursuant to section 15.162, subdivision 2a: names of persons interviewed; foster care placement plans obtained from other public and private agencies; and all information gathered during interviews with study participants.

Sec. 34. [BENEFIT DATA.]

Subdivision 1. [DEFINITION.] *As used in this section, "benefit data" means data on individuals collected or created because the individual may become, is, or was an applicant for or a recipient of benefits or services provided under various housing, home ownership, and rehabilitation and community action agency programs administered by state agencies, political subdivisions, or statewide systems. Benefit data does not include welfare data which shall be administered in accordance with section 15.1691.*

Subd. 2. [PUBLIC DATA.] *The names and addresses of applicants for and recipients of benefits characterized as the urban homesteading, home ownership, and new housing programs operated by a housing and redevelopment authority in a city of the first class are classified as public data on individuals.*

Subd. 3. [PRIVATE DATA.] *Unless otherwise provided by law, all other benefit data is private data on individuals, except pursuant to a valid court order.*

Sec. 35. [CORRECTIONS AND DETENTION DATA.]

Subdivision 1. [DEFINITION.] *As used in this section "corrections and detention data" means data on individuals created, collected, used or maintained because of their lawful confinement or detainment in state reformatories, prisons and correctional facilities, municipal or county jails, lockups, work houses, work farms and all other correctional and detention facilities.*

Subd. 2. [GENERAL.] *Unless the data are summary data or arrest data, or a statute specifically provides a different classification, corrections and detention data on individuals are classified as private pursuant to section 15.162, subdivision 5a.*

Subd. 3. [INVESTIGATIVE DATA.] *Corrections and detention data col-*

lected, maintained, used or disseminated in an investigation authorized by statute and relating to the enforcement of rules or law is confidential pursuant to section 15.162, subdivision 2a, or protected nonpublic data pursuant to section 15.162, subdivision 5d.

After any presentation in court, the data shall be public to the extent reflected in court records.

Subd. 4. [INTERNAL CORRECTIONS AND DETENTION LOGS.] *Corrections and detention data recorded on logs compiled by correctional and detention facilities' employees and showing a chronological record of incidents within a correctional or detention facility are confidential data on individuals pursuant to section 15.162, subdivision 2a, or protected nonpublic data not on individuals pursuant to section 15.162, subdivision 5d.*

Sec. 36. [ASSESSOR'S DATA.]

Subdivision 1. [GENERALLY.] *The following data collected, created and maintained by political subdivisions are classified as private, pursuant to section 15.162, subdivision 5a, or nonpublic depending on the content of the specific data:*

Data contained on sales sheets received from private multiple listing service organizations where the contract with the organizations requires the political subdivision to refrain from making the data available to the public.

Subd. 2. [INCOME PROPERTY ASSESSMENT DATA.] *The following data collected by political subdivisions from business entities concerning income properties are classified as nonpublic data pursuant to section 15.162, subdivision 5c:*

(a) Detailed income and expense figures for the current year plus the previous three years;

(b) Average vacancy factors for the previous three years;

(c) Verified net rentable areas or net usable areas, whichever is appropriate;

(d) Anticipated income and expenses for the current year; and

(e) Projected vacancy factor for the current year.

Sec. 37. [HEALTH DATA.]

Subdivision 1. [PRIVATE DATA.] *The following data created, collected and maintained by the department of health, political subdivisions, or statewide systems are classified as private, pursuant to section 15.162, subdivision 5a: data pertaining to the investigation and study of non-sexually transmitted diseases.*

Subd. 2. [CONFIDENTIAL DATA.] *The following data created, collected and maintained by a department of health operated by the state or a political subdivision are classified as confidential, pursuant to section 15.162, subdivision 2a: investigative files on individuals maintained by the department in connection with the epidemiologic investigation of sexually transmitted diseases, provided that information may be released to the individual's personal physician and to a health officer, as defined in Minnesota Statutes, Section 145.01, for the purposes of treatment, continued medical evaluation and control of the disease.*

Sec. 38. [HOUSING AGENCY DATA.]

Subdivision 1. [DEFINITION.] *For purposes of this section "housing agency" means the public housing agency or housing and redevelopment authority of a political subdivision.*

Subd. 2. [CONFIDENTIAL DATA.] *The following data on individuals maintained by the housing agency are classified as confidential data, pursuant to section 15.162, subdivision 2a: correspondence between the agency and the agency's attorney containing data collected as part of an active investigation undertaken for the purpose of the commencement or defense of potential or actual litigation, including but not limited to: referrals to the office of the inspector general or other prosecuting agencies for possible prosecution for fraud; initiation of lease terminations and unlawful detainer actions; admission denial hearings concerning prospective tenants; commencement of actions against independent contractors of the agency; and tenant grievance hearings.*

Subd. 3. [PROTECTED NONPUBLIC DATA.] *The following data not on individuals maintained by the housing agency are classified as protected nonpublic data, pursuant to section 15.162, subdivision 5d: correspondence between the agency and the agency's attorney containing data collected as part of an active investigation undertaken for the purpose of the commencement or defense of potential or actual litigation, including but not limited to, referrals to the office of the inspector general or other prosecuting bodies or agencies for possible prosecution for fraud and commencement of actions against independent contractors of the agency.*

Subd. 4. [NONPUBLIC DATA.] *The following data not on individuals maintained by the housing agency are classified as nonpublic data, pursuant to section 15.162, subdivision 5c: all data pertaining to negotiations with property owners regarding the purchase of property. With the exception of the housing agency's evaluation of properties not purchased, all other negotiation data shall be public at the time of the closing of the property sale.*

Sec. 39. [CORRECTIONS OMBUDSMAN DATA.]

Subdivision 1. [PRIVATE DATA.] *The following data maintained by the ombudsman for corrections are classified as private, pursuant to section 15.162, subdivision 5a:*

(a) All data pertaining to contacts made by clients seeking the assistance of the ombudsman, except as specified in subdivisions 2 and 3;

(b) Data recorded from personal and phone conversations and in correspondence between the ombudsman's staff and persons interviewed during the course of an investigation;

(c) Client index cards;

(d) Case assignment data; and

(e) Monthly closeout data.

Subd. 2. [CONFIDENTIAL DATA.] *The following data maintained by the ombudsman are classified as confidential, pursuant to section 15.162, subdivision 2a: the written summary of the investigation to the extent it identifies individuals.*

Subd. 3. [PUBLIC DATA.] *The following data maintained by the ombuds-*

man are classified as public, pursuant to section 15.162, subdivision 5b: client name, client location; and the inmate identification number assigned by the department of corrections.

Sec. 40. [EMPLOYEE RELATIONS DATA.]

The following data collected, created or maintained by the department of employee relations are classified as nonpublic pursuant to section 15.162, subdivision 5c:

(a) The commissioner's plan prepared by the department, pursuant to section 3.855, which governs the compensation and terms and conditions of employment for employees not covered by collective bargaining agreements until the plan is submitted to the legislative commission on employee relations;

(b) Data pertaining to grievance arbitration that has not been presented to the arbitrator or other party during the arbitration process; and

(c) Notes and preliminary drafts of reports prepared during personnel investigations and personnel management reviews of state departments and agencies.

Sec. 41. [PUBLIC ATTORNEY'S DATA.]

Subdivision 1. [DEFINITION.] *For the purposes of this section, "public attorney" means the attorney general or the attorney for any political subdivision.*

Subd. 2. [PRIVATE DATA.] *The following data created, collected and maintained by the office of a public attorney are classified as private, pursuant to section 15.162, subdivision 5a:*

(a) The record, including but not limited to, the transcript and exhibits of all disciplinary proceedings held by a state agency, board or commission, except in those instances where there is a public hearing;

(b) Communications and non-investigative files regarding administrative or policy matters which do not evidence final public actions;

(c) Consumer complaint data, other than that data classified as confidential, including consumers' complaints against businesses and follow-up investigative materials; and

(d) Investigative data, obtained in anticipation of, or in connection with litigation or an administrative proceeding where the investigation is not currently active.

Subd. 2. [CONFIDENTIAL DATA.] *The following data created, collected and maintained by the office of a public attorney are classified as confidential, pursuant to section 15.162, subdivision 2a: data acquired through communications made in official confidence to members of the public attorney's staff where the public interest would suffer by disclosure of the data.*

Subd. 3. [PUBLIC DATA.] *Data describing the final disposition of disciplinary proceedings held by any state agency, board or commission are classified as public, pursuant to section 15.162, subdivision 5b.*

Sec. 42. [PHOTOGRAPHIC NEGATIVES.]

Photographic negatives obtained by the department of public safety in the

process of issuing drivers licenses or Minnesota identification cards shall be private data on individuals pursuant to section 15.162, subdivision 5a.

Sec. 43. [REVISOR'S INSTRUCTIONS.]

The revisor of statutes shall codify the provisions of sections 1 to 44 and recodify the provisions of Minnesota Statutes 1980, Sections 15.1611 to 15.1699 in an appropriate place in the next edition of Minnesota Statutes. He shall also correct all statutory cross references to provisions of sections 15.1611 to 15.1699.

Sec. 44. [EFFECTIVE DATE.]

Sections 1 to 43 are effective the day following final enactment."

Delete the title in its entirety and insert:

"A bill for an act relating to the collection and dissemination of data; classifying data; proposing classifications of data as private, confidential nonpublic and protected nonpublic; making certain changes in laws relating to the collection and dissemination of data; amending Minnesota Statutes 1980, Sections 15.1611, Subdivision 2; 15.162, Subdivisions 1a, 2a, 5a, 5b, 5c, and 8; 15.163, Subdivision 4; 15.1642, Subdivision 2a; 15.165, Subdivision 3; 15.1672; 15.1673; 15.1692, Subdivision 3, and by adding a subdivision; 15.1693, by adding a subdivision; 15.1695, Subdivision 1; 15.1698, Subdivision 1; and 15.1699; providing for the recodification of Minnesota Statutes, Sections 15.1611 to 15.1699."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 120: A bill for an act relating to corporations; modernizing and improving provisions governing business corporations; appropriating money; amending Minnesota Statutes 1980, Sections 53.01; 303.05, Subdivision 1; 308.341; 319A.03; 319A.05; 319A.12, Subdivisions 1a and 2; 319A.20; and 367.42, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 302A; repealing Minnesota Statutes 1980, Sections 301.01 to 301.67.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 27, after "*125*" insert ", *a demand retaining the two-thirds majority for shareholder approval of certain transactions*"

Page 2, delete lines 33 and 34 and insert "*signed, and acknowledged or verified in the manner provided in chapter 358, and accompanied by a filing*"

Page 3, line 31, after "*given*" insert "*by a corporation*"

Page 4, line 37, delete "*Minnesota Statutes,*"

Page 5, line 16, delete "*Minnesota Statutes, Section 645.44, Subdivision*" and insert "*section 645.44, subdivision*"

Page 5, line 22, after "*voting*" insert "*power of the*"

Page 5, line 28, after "*percent*" insert "*of the voting power*"

Page 5, line 29, delete "*voting*"

Page 5, lines 35 and 36, delete "*Minnesota Statutes,*"

Page 6, line 14, delete "*Minnesota Statutes,*"

Page 6, line 14, after "*300*" insert "*that has not subsequently become governed by chapter 301*"

Page 6, lines 19 and 20, delete "*Minnesota Statutes,*"

Page 6, lines 21 and 24, delete "*January*" and insert "*July*"

Page 6, lines 22 and 23, delete "*Minnesota Statutes,*"

Page 6, line 25, delete "*Minnesota Statutes,*"

Page 7, line 3, after "*articles*" insert "*for amendment of the articles*"

Page 7, lines 13 and 21, delete "JANUARY" and insert "JULY"

Page 7, line 14, delete "*December 31, 1982*" and insert "*June 30, 1983*"

Page 7, line 17, delete "*Minnesota Statutes,*"

Page 7, lines 18 and 19, delete "*Minnesota Statutes,*"

Page 7, lines 22, 27, 29 and 37, delete "*January*" and insert "*July*"

Page 7, line 24, delete "*Minnesota Statutes,*"

Page 7, line 26, delete "*Minnesota Statutes,*"

Page 7, line 26, after "*300*" insert "*that has not subsequently become governed by chapter 301*"

Page 7, line 29, delete "*Minnesota Statutes,*"

Page 7, line 32, delete "*Minnesota Statutes,*"

Page 8, after line 2, insert:

"*Subd. 8.* [RETENTION OF TWO-THIRDS MAJORITY.]

(a) If the articles of a corporation subject to this section do not contain a provision specifying the proportion of the voting power of the shareholders required for approval of amendments to the articles, plans of merger or exchange, or sales of assets, a shareholder or shareholders holding more than one-third of the voting power of all the shares may by signed written demand filed with the secretary of state amend the articles of the corporation to include a provision requiring the approval of the holders of two-thirds of the voting shares for any or all of the above mentioned actions for which no required majority was specified, notwithstanding any provisions of sections 14, 91 or 97 to the contrary. Notice that the demand has been filed shall be given by the shareholder to an officer of the corporation, but failure to give the notice does not invalidate the demand.

(b) A shareholder or shareholders holding more than one-third of the voting power of all the shareholders of a corporation subject to this section may by signed written demand filed with the secretary of state amend the articles of the corporation to include a provision requiring the approval of the holders of two-thirds of the voting power of all the shares for the authorization of the dissolution of the corporation, notwithstanding the provisions of section 100. Notice that the demand has been filed shall be given by the shareholder to an

officer of the corporation, but failure to give the notice does not invalidate the demand.

(c) An amendment pursuant to paragraph (a) or (b) is valid only if filed with the secretary of state before July 1, 1983."

Renumber the subdivisions in sequence

Page 8, line 3, delete "JANUARY" and insert "JULY"

Page 8, line 4, delete "*January*" and insert "*July*"

Page 8, line 8, delete "*Minnesota Statutes,*"

Page 8, line 10, delete "*Chapters 301 and 316*" and insert "*chapters 301, 316, and 556*"

Page 10, line 13, after the first "*voting*" insert "*power of the*"

Page 10, line 15, delete "*Section*" and insert "*Sections*"

Page 10, line 15, delete "*requries*" and insert "*requires*"

Page 10, line 16, before "*all*" insert "*the voting power of*"

Page 13, line 14, before "*It*" insert "[POWERS NEED NOT BE STATED.]"

Page 13, line 25, delete ". *This provision does not affect*" and insert a semicolon

Page 13, delete lines 26 and 27

Page 13, line 28, delete all the language before the semicolon

Page 13, line 35, delete "*exclusive*"

Page 13, line 36, after "*time*" insert "*of incorporation*"

Page 13, line 37, delete "*Minnesota Statutes,*"

Page 14, line 1, delete "*333.52*" and insert "*333.54*"

Page 14, line 14, after "*corporation,*" insert "*or that the holder of a name filed or registered with the secretary of state under sections 333.001 to 333.54 filed or registered that name at least three years prior to the affidavit,*"

Page 14, line 17, after "*corporation*" insert "*or the holder of a name filed or registered with the secretary of state under sections 333.001 to 333.54*"

Page 14, line 18, after "*corporation*" insert ", *or the address of the holder of a name filed or registered with the secretary of state under sections 333.001 to 333.54,*"

Page 14, line 22, after "*corporation*" insert "*or holder of a name filed or registered with the secretary of state under sections 333.001 to 333.54*"

Page 14, line 26, after "*state*" insert "*or has been unable to find any telephone listing for the holder of a name filed or registered with the secretary of state under sections 333.001 to 333.54 in the county in which is located the address of the holder shown in the records of the secretary of state*"

Page 14, line 27, after "*corporation*" insert "*or holder of a name filed or registered with the secretary of state under sections 333.001 to 333.54*"

Page 14, after line 28, insert:

"*Subd. 2.* [NAMES CONTINUED.] *Subdivision 1, clause (d) does not affect the right of a domestic corporation existing on July 1, 1983, or a foreign*

corporation authorized to do business in this state on that date to continue the use of its name.''

Renumber the subdivisions in sequence

Page 14, line 34, delete ''*Minnesota Statutes,*''

Page 14, line 35, delete ''*333.52*'' and insert ''*333.54*''

Page 15, line 28, delete ''*a corporation*''

Page 18, line 6, delete ''*one*'' and insert ''*three*''

Page 18, line 8, after ''*notice*'' insert ''*has not yet been given but still*''

Page 18, line 16, after the period, insert ''*The provisions of this subdivision regarding shareholder-proposed amendments do not apply to a corporation registered or reporting under the federal securities laws, to the extent that those provisions are in conflict with the federal securities laws or rules promulgated thereunder, in which case the federal securities laws or rules promulgated thereunder shall govern.*''

Page 18, line 16, delete ''*An amendment that restates the articles need not set*''

Page 18, delete lines 17 and 18

Page 18, line 25, after ''*voting*'' insert ''*power of the*''

Page 20, line 35, before the period, insert ''*accompanied by a payment of $60, which includes a $50 incorporation fee in addition to the $10 filing fee required by section 1, subdivision 11*''

Page 21, line 5, after ''*state*'' insert ''*and the required fee has been paid to the secretary of state*''

Page 24, line 11, delete ''*Minnesota Statutes,*''

Page 24, line 19, after ''*validity*'' insert '', *recordability,*''

Page 25, lines 33 and 34, delete '', *in the same manner as directors,*''

Page 25, line 35, delete the second comma and insert ''*or*''

Page 25, line 36, delete everything after the comma

Page 25, line 37, delete ''*is complete,*''

Page 27, line 4, delete ''*one*'' and insert ''*three*''

Page 27, line 12, after the period, insert ''*The provisions of this subdivision regarding shareholder-proposed amendments shall not apply to a corporation registered or reporting under the federal securities laws, to the extent that those provisions are in conflict with the federal securities laws or rules promulgated thereunder, in which case the federal securities laws or rules promulgated thereunder shall govern.*''

Page 28, line 9, delete the comma

Page 28, line 10, delete the comma

Page 28, line 12, delete both commas

Page 29, line 5, after ''*to*'' insert ''*any officer of the corporation before the*

meeting; or to''

Page 29, lines 26 and 27, delete ''*by the affirmative vote of a majority of the directors present,*''

Page 29, line 32, after ''*directors*'' insert ''*present affirmatively*''

Page 29, line 37, after ''*voting*'' insert ''*power of the*''

Page 30, line 7, delete ''*number of shares*'' and insert '' *proportion of the voting power*''

Page 33, line 3, delete ''*smaller*''

Page 34, lines 12 and 13, delete ''*or not*''

Page 34, line 26, delete everything after the period

Page 34, delete line 27

Page 34, line 28, delete ''*shareholders.*'' and insert ''*A good faith determination of the committee that it is not in the best interests of the corporation to pursue a particular legal right or remedy of the corporation or that recommends that a particular proceeding be dismissed or discontinued is binding upon the corporation and its directors, officers, and shareholders.*''

Page 35, line 27, after the semicolon, delete ''*or*''

Page 35, line 28, after ''*meeting*'' delete the period and insert ''*; or*''

Page 35, after line 28, insert:

''*(c) Is prohibited by section 45 from voting on the action.*''

Page 36, line 26, after ''*resolution*'' insert ''*fixing the compensation of the director or*''

Page 37, after line 35, insert:

''*(d) Disburse corporate funds and issue checks and drafts in the name of the corporation, as ordered by the board;*''

Page 38, line 2, after the semicolon, insert ''*and*''

Page 38, delete lines 3 and 4

Reletter the clauses in sequence

Page 40, line 9, after ''*securities*'' insert ''*only*''

Page 40, lines 36 and 37, delete ''*affected by the resolution*'' and insert ''*for which the resolution creates rights or preferences not set forth in the articles*''

Page 43, line 8, after ''*voting*'' insert ''*power of the*''

Page 43, line 15, after ''*voting*'' insert ''*power of the*''

Page 43, line 15, after ''*without*'' insert ''*any new or additional*''

Page 43, line 24, after ''*majority of*'' insert ''*the voting power of*''

Page 47, line 1, after ''*majority of*'' insert ''*the voting power of*''

Page 47, line 7, delete the second ''*to*''

Page 47, delete line 8 and insert ''*if the resale or other distribution of those*

securities or rights to purchase securities is not restricted by either state or federal securities laws; or"

Page 49, line 36, delete "*Minnesota Statutes,*"

Page 51, line 26, after the period, insert "*A restriction under this section is deemed to be noted conspicuously and is effective if the existence of the restriction is stated on the certificate and reference is made to a separate document creating or describing the restriction.*"

Page 51, line 34, delete "*one*" and insert "*three*"

Page 52, line 8, before "*meeting*" insert "*regular*"

Page 54, line 22, after "*voting*" insert "*power of the*"

Page 55, line 5, after "*majority of*" insert "*the voting power of*"

Page 55, line 16, delete "*50*" and insert "*60*"

Page 57, line 23, delete "*either*"

Page 57, line 24, after "*notice*" insert "*either*"

Page 59, line 2, after "*majority of*" insert "*the voting power of*"

Page 61, line 30, delete underscoring from headnote

Page 61, line 30, after "*shareholder*" insert ", *beneficial owner,*"

Page 61, line 36, after "*shareholder*" insert ", *beneficial owner,*"

Page 61, line 37, delete everything before "*to*" and insert "*may apply to the corporation for permission*"

Page 61, line 37, after "*copy,*" insert "*at any reasonable time,*"

Page 62, line 1, delete "*at any*"

Page 62, delete lines 2 and 3

Page 62, line 4, delete "*examination*" and after the period, insert "*If the corporation fails to grant the request within five business days of the request, the shareholder, beneficial owner, or holder of a voting trust certificate may apply to a court of competent jurisdiction in this state for an order granting the request. The court shall issue an order granting the request if the shareholder, beneficial owner, or holder of a voting trust certificate demonstrates (1) a proper purpose for the examination, (2) that the examination will not result in harassment or disclosure of trade secrets or confidential commercial or financial information to competitors or disclosure of information in personnel files, and (3) that the expense of the examination will not be excessive in relation to the interest of the shareholder, beneficial owner, or holder of a voting trust certificate or that the shareholder, beneficial owner, or holder of a voting trust certificate has offered to pay the expenses of the examination. The court may deny a request for an examination for any other good cause shown by the corporation.*"

Page 62, line 5, after "*shareholder*" insert ", *beneficial owner,*"

Page 62, line 32, after "*shall*" insert ", *upon written request by a shareholder,*"

Page 62, line 32, delete "*to its shareholders*"

Page 63, line 1, delete everything after the period

Page 63, delete lines 2 to 9

Page 63, line 10, delete "*request.*"

Page 63, line 18, delete the first "*and*" and insert a comma

Page 63, line 18, delete the second "*and*" and insert "*, and describing*"

Page 65, line 32, delete "*either*"

Page 65, delete lines 33 to 35 and insert "*provided in section 549.09 for interest on verdicts and judgments.*"

Page 68, line 6, after "5" insert a comma

Page 68, line 27, after "*determine*" insert "*whether the shareholder or shareholders in question have fully complied with the requirements of this section, and shall determine*"

Page 69, line 7, after "*vexatious*" insert a comma

Page 71, line 24, delete "*Conducted himself*" and insert "*Acted*"

Page 75, line 20, delete "*Minnesota Statutes,*"

Page 76, line 37, after the comma insert "*except a director who is prohibited by section 45 from voting on the distribution,*"

Page 76, line 37, after "*to*" insert a comma

Page 79, line 11, after "*majority of*" insert "*the voting power of*"

Page 79, line 17, delete "*included in the*" and insert "*affected by the plan of*"

Page 81, line 25, after "*majority of*" insert "*the voting power of*"

Page 81, line 31, after "*majority of*" insert "*the voting power of*"

Page 84, line 11, delete "*Minnesota Statutes,*"

Page 84, line 20, after "*proceeding*" insert a comma

Page 85, line 10, after "*majority of*" insert "*the voting power of*"

Page 86, line 35, after "*majority of*" insert "*the voting power of*"

Page 88, lines 23 and 24, delete "*Minnesota Statutes,*"

Page 90, line 5, after "*majority of*" insert "*the voting power of*"

Page 90, line 26, delete "*or not*"

Page 99, line 1, delete "[ANNUAL REPORT.]" and insert "[MINNESOTA CORPORATE REGISTRATION.]"

Page 99, delete lines 2 to 18 and insert:

"*Subdivision 1.* [INFORMATION REQUIRED.] *A domestic corporation shall annually file with the commissioner of revenue along with the return required by sections 290.37 and 290.974, or along with an affidavit that the corporation need not file a return under section 290.37, a registration containing:*

(a) The name of the corporation;

(b) The address of its principal executive office;

(c) The address of its registered office;

(d) The state of incorporation;

(e) The former name and address of the corporation or its registered office, if changed since the corporation filed its previous return;

(f) The name of its registered agent, if any; and

(g) The name and business address of the officer or other person exercising the principal functions of the chief executive officer of the corporation.

Subd. 2. [INFORMATION PUBLIC.] *The information required by subdivision 1 shall be forwarded by the commissioner of revenue to the secretary of state and is public data. Sections 15.163 to 15.1699 do not apply to this information.*"

Page 99, line 20, delete "*an annual report conforming*" and insert "*a registration pursuant*"

Page 99, line 21, after "*state*" insert "*and is subject to a $25 fine*"

Page 99, line 23, delete "*annual report*" and insert "*registration*"

Page 99, line 24, delete "; PENALTY"

Page 99, lines 25 and 26, delete "*an annual report conforming*" and insert "*a registration pursuant*"

Page 99, line 29, delete everything after "*section*"

Page 99, delete lines 30 to 32 and insert "*and is subject to dissolution by the office of the secretary of state if the registration is not filed pursuant to subdivision 1 within 60 days after the mailing of the notice.*

Subd. 5. [PENALTY.] *(a) A corporation that for two consecutive years has failed to file the registration required by subdivision 1, has been notified of the failure pursuant to subdivision 4, and has failed to file the registration during the 60-day period described in subdivision 4, may be dissolved by the secretary of state as described in paragraph (b).*

(b) Immediately after the expiration of the 60-day period in the second consecutive year of failure to file the registration, the secretary of state shall issue a certificate of involuntary dissolution, a copy of which shall be filed in the office of the secretary of state. The original certificate and a notice explaining that the corporation has been dissolved shall be sent to the registered office of the corporation. The secretary of state shall annually inform the attorney general and the commissioner of revenue of the names of corporations dissolved under this section during the preceding year. A corporation dissolved in this manner is not entitled to the benefits of section 117, subdivision 1."

Page 100, line 12, after "*sheriff*" insert ", *or the affidavit of a person not a party,*"

Page 101, line 22, reinstate the stricken language and before "*1*" insert "*or*"

Page 101, after line 26, insert:

"Sec. 127. Minnesota Statutes 1980, Section 290.61, is amended to read:

290.61 [PUBLICITY OF RETURNS, INFORMATION.]

It shall be unlawful for the commissioner or any other public official or employee to divulge or otherwise make known in any manner any particulars set forth or disclosed in any report or return required by this chapter, or any information concerning, the taxpayer's affairs acquired from his or its records, officers, or employees while examining or auditing any taxpayer's liability for taxes imposed hereunder, except in connection with a proceeding involving taxes due under this chapter from the taxpayer making such return or to comply with the provisions of ~~section~~ *sections* 290.612 *and 122* . The commissioner may furnish a copy of any taxpayer's return to any official of the United States or of any state having duties to perform in respect to the assessment or collection of any tax imposed upon or measured by income, if such taxpayer is required by the laws of the United States or of such state to make a return therein. Prior to the release of any information to any official of the United States or any other state under the provisions of this section, the person to whom the information is to be released shall sign an agreement which provides that he will protect the confidentiality of the returns and information revealed thereby to the extent that it is protected under the laws of the state of Minnesota. The commissioner and all other public officials and employees shall keep and maintain the same secrecy in respect to any information furnished by any department, commission, or official of the United States or of any other state in respect to the income of any person as is required by this section in respect to information concerning the affairs of taxpayers under this chapter. Nothing herein contained shall be construed to prohibit the commissioner from publishing statistics so classified as not to disclose the identity of particular returns or reports and the items thereof. Upon request of a majority of the members of the senate tax committee or of the house tax committee or the tax study commission, the commissioner shall furnish abstracted financial information to those committees for research purposes from returns or reports filed pursuant to this chapter, provided that he shall not disclose the name, address, social security number, business identification number or any other item of information associated with any return or report which the commissioner believes is likely to identify the taxpayer. The commissioner shall not furnish the actual return, or a portion thereof, or a reproduction or copy of any return or portion thereof. "Abstracted financial information" means only the dollar amounts set forth on each line on the form including the filing status.

Any person violating the provisions of this section shall be guilty of a gross misdemeanor.

In order to locate the named payee on state warrants issued pursuant to this chapter or chapter 290A and undeliverable by the United States postal service, the commissioner may publish in any English language newspaper of general circulation in this state a list of the name and last known address of the payee as shown on the reports or returns filed with the commissioner. The commissioner may exclude the names of payees whose refunds are in an amount which is less than a minimal amount to be determined by the commissioner. The published list shall not contain any particulars set forth on any report or return. The publication shall include instructions on claiming the warrants.

Sec. 128. [300.083] [INDEMNIFICATION.]

Subdivision 1. [DEFINITIONS.] *(a) For purposes of this section, the terms*

defined in this subdivision have the meanings given them.

(b) "Corporation" includes a domestic or foreign corporation that was the predecessor of the corporation referred to in this section in a merger or other transaction in which the predecessor's existence ceased upon consummation of the transaction.

(c) "Official capacity" means (1) with respect to a director, the position of director in a corporation, (2) with respect to a person other than a director, the elective or appointive office or position held by an officer, member of a committee of the board, or the employment or agency relationship undertaken by an employee or agent of the corporation, and (3) with respect to a director, officer, employee, or agent or the corporation who, while a director, officer, employee, or agent of the corporation, is or was serving at the request of the corporation or whose duties in that position involve or involved service as a director, officer, partner, trustee, or agent of another organization or employee benefit plan, the position of that person as a director, officer, partner, trustee, employee, or agent, as the case may be, of the other organization or employee benefit plan.

(d) "Proceeding" means a threatened, pending, or completed civil, criminal, administrative, arbitration, or investigative proceeding, including a proceeding by or in the right of the corporation.

(e) "Special legal counsel" means counsel who has not represented the corporation or a related corporation, or a director, officer, employee, or agent whose indemnification is in issue.

Subd. 2. [INDEMNIFICATION MANDATORY; STANDARD.] *(a) Subject to the provisions of subdivision 4, a corporation shall indemnify a person made or threatened to be made a party to a proceeding by reason of the former or present official capacity of the person against judgments, penalties, fines including, without limitation, excise taxes assessed against the person with respect to an employee benefit plan, settlements, and reasonable expenses, including attorneys' fees and disbursements, incurred by the person in connection with the proceeding, if, with respect to the acts or omissions of the person complained of in the proceeding, the person:*

(1) Has not been indemnified by another organization or employee benefit plan for the same expenses with respect to the same acts or omissions;

(2) Acting in good faith;

(3) Received no improper personal benefit;

(4) In the case of a criminal proceeding, had no reasonable cause to believe his conduct was unlawful; and

(5) In the case of acts or omissions occurring in the official capacity described in subdivision 1, paragraph (c), clause (1) or (2), reasonably believed that the conduct was in the best interests of the corporation, or in the case of acts or omissions occurring in his official capacity described in subdivision 1, paragraph (c), clause (3), reasonably believed that the conduct was not opposed to the best interests of the corporation. If the person's acts or omissions complained of in the proceeding relate to conduct as a director, officer, trustee, employee, or agent of an employee benefit plan, the conduct is not considered to be opposed to the best interests of the corporation if the person

reasonably believed that the conduct was in the best interests of the participants or beneficiaries of the employee benefit plan.

(b) The termination of a proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent does not, of itself, establish that the person did not meet the criteria set forth in this subdivision.

Subd. 3. [ADVANCES.] *Subject to the provisions of subdivision 4, if a person is made or threatened to be made a party to a proceeding, the person is entitled, upon written request to the corporation, to payment or reimbursement by the corporation of reasonable expenses, including attorneys' fees and disbursements, incurred by the person in advance of the final disposition of the proceeding, (a) upon receipt by the corporation of a written affirmation by the person of a good faith belief that the criteria for indemnification set forth in subdivision 2 has been satisfied and a written undertaking by the person to repay all amounts so paid or reimbursed by the corporation, if it is ultimately determined that the criteria for indemnification have not been satisfied, and (b) after a determination that the facts then known to those making the determination would not preclude indemnification under this section. The written undertaking required by clause (a) is an unlimited general obligation of the person making it, but need not be secured and shall be accepted without reference to financial ability to make the repayment.*

Subd. 4. [PROHIBITION OR LIMIT ON INDEMNIFICATION OR ADVANCES.] *The articles or bylaws either may prohibit indemnification or advances of expenses otherwise required by this section or may impose conditions on indemnification or advances of expenses in addition to the conditions contained in subdivisions 2 and 3 including, without limitation, monetary limits on indemnification or advances of expenses, if the conditions apply equally to all persons or to all persons within a given class.*

Subd. 5. [REIMBURSEMENT TO WITNESSES.] *This section does not require, or limit the ability of, a corporation to reimburse expenses, including attorneys' fees and disbursements, incurred by a person in connection with an appearance as a witness in a proceeding at a time when the person has not been made or threatened to be made a party to a proceeding.*

Subd. 6. [DETERMINATION OF ELIGIBILITY.] *All determinations whether indemnification of a person is required because the criteria set forth in subdivision 2 have been satisfied and whether a person is entitled to payment or reimbursement of expenses in advance of the final disposition of a proceeding as provided in subdivision 3 shall be made:*

(a) By the board by a majority of a quorum. Directors who are at the time parties to the proceeding shall not be counted for determining either a majority or the presence of a quorum;

(b) If a quorum under clause (a) cannot be obtained, by a majority of a committee of the board, consisting solely of two or more directors not at the time parties to the proceeding, duly designated to act in the matter by a majority of the full board including directors who are parties;

(c) If a determination is not made under clause (a) or (b), by special legal counsel, selected either by a majority of the board or a committee by vote pursuant to clause (a) or (b) or, if the requisite quorum of the full board cannot be obtained and the committee cannot be established, by a majority of the full

board including directors who are parties;

(d) If a determination is not made under clauses (a) to (c), by the shareholders, excluding the votes of shares held by parties to the proceeding; or

(e) If an adverse determination is made under clauses (a) to (d), or if no determination is made under clauses (a) to (d) within 60 days after the termination of a proceeding or after a request for an advance of expenses, as the case may be, by a court in this state, which may be the same court in which the proceeding involving the person's liability took place; upon application of the person and any notice the court requires.

Subd. 7. [INSURANCE.] *A corporation may purchase and maintain insurance on behalf of a person who is or was a director, officer, employee, or agent of the corporation, or who, while a director, officer, employee, or agent of the corporation, is or was serving at the request of the corporation as a director, officer, partner, trustee, employee, or agent of another organization or employee benefit plan against any liability asserted against and incurred by the person in or arising from that capacity, whether or not the corporation would have been required to indemnify the person against the liability under the provisions of this section.*

Subd. 8. [DISCLOSURE.] *A corporation that indemnifies or advances expenses to a person in accordance with this section in connection with a proceeding by or on behalf of the corporation shall report the amount of the indemnification or advance and to whom and on whose behalf it was paid to the shareholders in an annual report covering the period when the indemnification or advance was paid or accrued under the accounting method of the corporation.*

Subd. 9. [LIFE INSURANCE COMPANIES.] *A domestic life insurance company having a separate account or accounts pursuant to section 61A.14 may indemnify a person who is serving or has served as a member of the managing committee of that separate account, and may purchase and maintain insurance for that purpose, in accordance with this section.*"

Page 102, after line 26, insert:

"Sec. 131. [316.24] [SCOPE; CHAPTER NOT APPLICABLE.]

Sections 316.01 to 316.23 do not apply to a corporation incorporated under or governed by sections 1 to 125."

Page 104, line 7, delete "391A.20" and insert "319A.20"

Page 104, after line 17, insert:

"Sec. 137. Minnesota Statutes 1980, Section 333.055, Subdivision 4, is amended to read:

Subd. 4. The secretary of state shall accept for filing all certificates and renewals thereof which comply with the provisions of sections 333.001 to 333.06 and which are accompanied by the prescribed fees, notwithstanding the fact that the assumed name disclosed therein may be the same as, or similar to, one or more other assumed names already filed with the secretary of state. In the event of duplication or similarity, the secretary of state shall, within 20 days after the filing, notify in writing each person who has previously filed a certificate for the assumed name or a similar assumed name, of the duplication

or similarity, including in the notice the name and last known address of the person so filing. *The secretary of state shall not accept for filing a certificate that discloses an assumed name that is the same as, or deceptively similar to, a corporate name in use or reserved in this state by another, unless there is filed with the certificate a written consent, court decree of prior right, or affidavit of non-user of the kind required by section 8, subdivision 1, clause (d). The secretary of state shall determine whether a name is "deceptively similar" to another name for purposes of this subdivision.*

Sec. 138. Minnesota Statutes 1980, Section 333.19, Subdivision 1, is amended to read:

Subdivision 1. A trademark or service mark by which the goods or services of any applicant for registration may be distinguished from the goods or services of others shall not be registered if it:

(1) consists of or comprises immoral, deceptive or scandalous matter; or

(2) consists of or comprises matter which may disparage or falsely suggest a connection with persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt, or disrepute; or

(3) consists of or comprises the flag or coat of arms or other insignia of the United States, or of any state or municipality, or of any foreign nation, or any simulation thereof; or

(4) consists of or comprises the name, signature or portrait of any living individual, except with his written consent; or

(5) consists of a mark which, (a) when applied to the goods or used to identify the services of the applicant, is merely descriptive or deceptively misdescriptive of them, or (b) when applied to the goods or used to identify the services of the applicant is primarily geographically descriptive or deceptively misdescriptive of them, or (c) is primarily merely a surname provided, however, that nothing in this subsection (5) shall prevent the registration of a mark used in this state by the applicant which has become distinctive of the applicant's goods or services. The secretary of state may accept as evidence that the mark has become distinctive, as applied to the applicant's goods or used to identify the services, proof of substantially exclusive and continuous use thereof as a mark by the applicant in this state for the five years next preceding the date of the filing of the application for registration; or

(6) consists of or comprises a mark which so resembles a mark registered in this state or a *corporate name in use or reserved in this state by another, or a* mark or trade name previously used in this state by another and not abandoned, as to be likely, when applied to the goods or used to identify the services of the applicant, to cause confusion or mistake or to deceive."

Page 104, delete line 20

Page 105, after line 9, insert:

"Sec. 140. Minnesota Statutes 1980, Section 462.601, is amended to read:

462.601 [MINNESOTA BUSINESS CORPORATION ACT APPLIES IN PART.]

The provisions of ~~the Minnesota business corporation act~~ *sections 301.01 to 301.61 and sections 1 to 125* shall apply to redevelopment companies, except where those provisions are in conflict with the provisions of sections 462.415

to 462.711. In the event that any action with respect to which the holders of income debentures shall have the right to vote is proposed to be taken, then notice of any meeting at which such action is proposed to be taken shall be given to those holders in the same manner(and)to the same extent as if they were stockholders entitled to notice of and to vote at such meeting, and any certificate filed pursuant to law in the department of state with respect to any such action, whether taken with or without meeting, and any affidavit required by law to be annexed to that certificate, shall contain the same statements or recitals, and the certificate shall be subscribed and acknowledged, and the affidavit shall be made in the same manner as if those holders were stockholders holding shares of an additional class of stock entitled to vote on that action, or with respect to the proceedings provided for in the certificate.

Sec. 141. Minnesota Statutes 1980, Section 462.605, is amended to read:

462.605 [POWERS OF REDEVELOPMENT COMPANY.]

Each redevelopment company shall have and may exercise such of the powers conferred by ~~the Minnesota business corporation act~~ *sections 301.01 to 301.61 and sections 1 to 125* or, in cities of the first class, the Minnesota uniform limited partnership act as shall be necessary in conducting the business of a redevelopment company and consistent with the provisions of sections 462.415 to 462.711."

Page 105, line 11, after "*Sections*" insert "*300.082;*"

Page 105, line 11, after "*301.02*" insert a semicolon

Page 105, line 23, in the blank insert "*131,800*"

Page 105, delete lines 28 to 31 and insert:

"*1981*	*1982*	*1983*
(a) Computerization	*$51,000*	*$57,000*
(b) Other duties $2,900	*$11,100*	*$9,800*"

Page 105, delete line 33, and insert "*Sections 1 to 121, 123, 124, 126, 129 to 138, 140, 141, and 143 are effective July*"

Page 105, line 34, delete "*134, and 135*" and insert "*127, 128, 139, and 142*"

Page 105, line 34, delete "*January*" and insert "*July*"

Page 105, line 35, after the period, insert "*Section 122 is effective January 1, 1984.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after "53.01" insert "; 290.61"

Page 1, line 7, delete "and" and insert "333.055, Subdivision 4; 333.19, Subdivision 1;"

Page 1, line 7, after "1" insert "; 462.601; and 462.605"

Page 1, line 8, delete "Chapter 302A" and insert "Chapters 300, 302A, and 316"

Page 1, line 9, after "Sections" insert "300.082 and"

And when so amended the bill do pass. Amendments adopted. Report

adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 1104: A bill for an act relating to the public defender; establishing the board of public defense; transferring public defender responsibilities from the judicial council to the board of public defense; abolishing the judicial council; amending Minnesota Statutes 1980, Sections 611.23; 611.24; 611.26, Subdivisions 1, 2, 3, 4, and 5; proposing new law coded in Minnesota Statutes, Chapter 611; repealing Minnesota Statutes 1980, Section 480.053; and Chapter 483.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 19, after "*governor*" insert "*including*"

Page 1, line 22, delete "*engaged in*" and insert "*admitted to*"

Page 1, line 22, delete "*private*"

Page 1, line 23, before the semicolon, insert ", *but not publicly employed as a prosecutor or defense counsel*"

Page 1, line 25, delete "*citizens of the state*" and insert "*public members*"

Page 2, line 8, delete the colon and insert "*have those duties and responsibilities imposed upon it by chapter 611.*"

Page 2, delete lines 9 to 14

Page 2, line 26, strike "shall be" and insert "*serve*"

Page 2, line 27, strike "shall"

Page 2, line 31, strike everything after the period

Page 2, strike line 32

Page 2, line 33, strike everything before "terms"

Page 3, line 6, strike "such"

Page 3, lines 8 and 23, strike "such" and insert "*the*"

Page 3, line 11, strike "shall be" and insert "*serve*"

Page 3, line 12, strike "shall"

Page 3, line 22, after "second" insert "*district*"

Page 3, line 24, strike "Such" and insert "*The*"

Page 3, line 25, strike "an"

Page 4, line 1, after "removed" insert "*for cause*"

Page 4, line 3, strike "for cause"

Page 4, line 16, strike "but only with" and insert "*subject to*"

Page 4, line 17, strike "in"

Page 4, line 18, strike "accordance with"

Page 4, line 18, strike "other"

Page 4, line 29, delete "*Section*" and insert "*Sections*"

Page 4, line 29, delete "*and Chapter 483*" and insert " *483.01; and 483.02*"

Page 4, line 36, delete "*his*" and insert "*any*"

Page 5, lines 1 and 2, after "*term*" insert "*to which he has been appointed*"

Page 5, line 2, delete "*his*" and insert "*any*"

Amend the title as follows:

Page 1, delete line 10 and insert "Sections 480.053; 483.01; and 483.02."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 445: A bill for an act relating to courts; Hennepin and Ramsey County district courts, juvenile divisions; authorizing appointment of district court judges to hear cases arising under the juvenile court act for terms up to six years; amending Minnesota Statutes 1980, Section 260.019, Subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, strike "three" and insert "*four*"

Page 1, line 15, strike "six" and insert "*eight*" and after "period" delete the new language

Page 1, line 16, delete the new language

Page 1, after line 16, insert:

"Sec. 2. Minnesota Statutes 1980, Section 484.64, Subdivision 1, is amended to read:

Subdivision 1. In the second judicial district a family court division of the district court is hereby created to be presided over by a district court judge to be appointed by the chief judge of the district court to serve for a term of one year. The judges appointed to ~~said~~ *the* office shall be designated as the judge of the family court division. *No judge of the family court division shall serve in that position for more than four years out of any eight year period.*

Sec. 3. Minnesota Statutes 1980, Section 484.65, Subdivision 1, is amended to read:

Subdivision 1. In the fourth judicial district, a family court division of the district court is hereby created to be presided over by a district court judge appointed by the chief judge of the judicial district to serve for a term not exceeding two years. The judge appointed to this office shall be designated as the district court judge, family court division. No judge may be appointed to serve ~~consecutive terms~~ *for more than three years out of any six year period* as the district court judge, family court division.

Sec. 4. Minnesota Statutes 1980, Section 484.65, Subdivision 6, is amended to read:

Subd. 6. Vacancies in the office of district court judge, family court divi-

sion, shall be filled in the manner prescribed by law for the filling of vacancies in the office of other judges of the district court. A person appointed to fill a vacancy in the office of district court judge, family court division shall serve in that office for the unexpired portion of the term during which the vacancy occurred~~, but may not be appointed to serve as district court judge, family division during the next consecutive term~~."

Page 1, line 19, delete "*and be applicable to incumbent juvenile court judges*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "providing service periods on"

Page 1, line 3, after "divisions" insert "or family division"

Page 1, line 5, after "court" insert "or family court"

Page 1, line 6, delete "six" and insert "four"

Page 1, line 6, delete "Section" and insert "Sections"

Page 1, line 7, before the period, insert "; 484.64, Subdivision 1; and 484.65, Subdivisions 1 and 6"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government and Urban Affairs, to which was referred

S. F. No. 1005: A bill for an act relating to municipal industrial development; permitting financing of certain health related housing facilities; amending Minnesota Statutes 1980, Section 474.02, Subdivision 1d.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 16, after "*persons,*" insert "*and*"

Page 1, line 16, delete "*which is owned by a*"

Page 1, line 17, delete "*nonprofit corporation, and (iii)*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government and Urban Affairs, to which was re-referred

S. F. No. 746: A bill for an act relating to the Greenway joint recreation board; regulating its tax levies.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 7, after "*tax*" insert "*not to exceed 3.5 mills*"

Page 1, line 15, delete "*lieu of*" and insert "*addition to*"

Page 2, delete section 2

Renumber the sections in sequence

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government and Urban Affairs, to which was referred

S. F. No. 98: A bill for an act relating to local government; providing conditions for the annexation of town territory to municipalities; providing for the membership of the municipal board; amending Minnesota Statutes 1980, Sections 414.01, Subdivision 2; and 414.031, Subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, strike "One"

Page 1, line 14, strike "of the members shall be" and delete the comma

Page 1, line 15, delete the new language and strike the old language

Page 1, strike lines 16 to 19

Page 1, line 20, strike "defined."

Pages 2 to 4, delete sections 2 and 3

Amend the title as follows:

Page 1, line 2, delete "providing conditions for"

Page 1, delete line 3

Page 1, line 5, delete "Sections" and insert "Section"

Page 1, line 6, delete "; and 414.031, 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. 140: A bill for an act relating to natural resources; changing the definition of public waters; amending Minnesota Statutes 1980, Section 105.37, Subdivision 14.

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 1980, Section 105.37, is amended by adding a subdivision to read:

Subd. 13a. "Public waters" means protected waters and wetlands.

Sec. 2. Minnesota Statutes 1980, Section 105.37, Subdivision 14, is amended to read:

Subd. 14. "~~Public~~ *Protected* waters" includes and shall be limited to the following waters of the state:

(a) All water basins assigned a shoreland management classification by the

commissioner pursuant to section 105.485, except wetlands less than 80 acres in size which are classified as natural environment lakes;

(b) All waters of the state which have been finally determined to be public *or protected* waters or navigable waters by a court of competent jurisdiction;

(c) All meandered lakes, except for those which have been legally drained;

(d) All waterbasins previously designated by the commissioner for management for a specific purpose such as trout lakes and game lakes pursuant to applicable laws;

(e) All waterbasins designated as scientific and natural areas pursuant to section 84.033;

(f) All waterbasins located within and totally surrounded by publicly owned lands;

(g) All waterbasins where the state of Minnesota or the federal government holds title to any of the beds or shores, unless the owner declares that the water is not necessary for the purposes of the public ownership;

(h) All waterbasins where there is a publicly owned and controlled access which is intended to provide for public access to the water basin; and

(i) All natural and altered natural watercourses with a total drainage area greater than two square miles, except that trout streams officially designated by the commissioner shall be ~~public~~ *protected* waters regardless of the size of their drainage area. *No permit shall be required from the commissioner for work in watercourses having total drainage areas of five square miles or less, but greater than two square miles except when the proposed work involves any diversions of water from the drainage area or any impoundment of waters by damming the watercourse. A permit shall be required for any work which could result in erosion or sedimentation of downstream waters to which the watercourse is tributary unless the involved county and soil and water conservation district approve the work consistent with provisions of chapter 40.*

The ~~public~~ *protected* character of water shall not be determined exclusively by the proprietorship of the underlying, overlying, or surrounding land or by whether it is a body or stream of water which was navigable in fact or susceptible of being used as a highway for commerce at the time this state was admitted to the union.

For the purposes of statutes other than sections 105.37, 105.38 and 105.391, the term "public waters" *or the term "protected waters"* shall include "wetlands" unless the statute expressly states otherwise.

Sec. 3. Minnesota Statutes 1980, Section 105.37, Subdivision 15, is amended to read:

Subd. 15. "Wetlands" includes, and shall be limited to all types 3, 4 and 5 wetlands, as defined in U. S. Fish and Wildlife Service Circular No. 39 (1971 edition), not included within the definition of ~~public~~ *protected* waters, which are ten or more acres in size in unincorporated areas or 2-1/2 or more acres in incorporated areas.

Sec. 4. Minnesota Statutes 1980, Section 105.37, Subdivision 16, is amended to read:

Subd. 16. "Ordinary high water level" means the boundary of ~~public~~ *protected* waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level shall be the elevation of the top of the bank of the channel. For reservoirs and flowages the ordinary high water level shall be the operating elevation of the normal summer pool.

Sec. 5. Minnesota Statutes 1980, Section 105.38, is amended to read:

105.38 [DECLARATION OF POLICY.]

In order to conserve and utilize the water resources of the state in the best interests of the people of the state, and for the purpose of promoting the public health, safety and welfare, it is hereby declared to be the policy of the state:

(1) Subject to existing rights all ~~public~~ *protected* waters and wetlands are subject to the control of the state.

(2) The state, to the extent provided by law from time to time, shall control the appropriation and use of surface and underground waters of the state.

(3) The state shall control and supervise, so far as practicable, any activity which changes or which will change the course, current, or cross-section of ~~public~~ *protected* waters or wetlands, including but not limited to the construction, reconstruction, repair, removal, abandonment, the making of any other change, or the transfer of ownership of dams, reservoirs, control structures, and waterway obstructions in any of the ~~public~~ *protected* waters or wetlands of the state.

Sec. 6. Minnesota Statutes 1980, Section 105.39, Subdivision 3, is amended to read:

Subd. 3. [ALLOCATION AND CONTROL OF WETLANDS AND WATERS.] The commissioner shall have administration over the use, allocation and control of ~~public~~ *protected* waters and wetlands, the establishment, maintenance and control of lake levels and water storage reservoirs, and the determination of the ordinary high water level of any ~~public~~ *protected* waters and wetlands.

Sec. 7. Minnesota Statutes 1980, Section 105.391, Subdivision 1, is amended to read:

105.391 [WATERS INVENTORY AND CLASSIFICATION.]

Subdivision 1. On the basis of all information available to him and the criteria set forth in section 105.37, subdivisions 14 and 15, the commissioner shall inventory the waters of each county and make a preliminary designation as to which constitute ~~public~~ *protected* waters and wetlands. The commissioner shall send a list and map of the waters which he has preliminarily designated as ~~public~~ *protected* waters and wetlands in each county to the county board of that county for its review and comment. *The county board shall make all reasonable efforts to notify, in writing, the owner of land adjacent to a wetland of the preliminary designation of the wetland as a protected wetland. In so doing the county board may utilize information available in county offices. If requested by a county board, the commissioner shall mail a notice of any designation of a*

wetland as a protected wetland to each landowner whose name and address, listed together with the affected wetland, has been supplied to the commissioner by the county board. No designation shall be invalidated by reason of any defect or omission in respect to the above required notice, which notice applies only to those protected water designation proceedings in which the public hearing required by subdivision 1b will be noticed as required by subdivision 1b after the effective date of this act. The county board shall conduct at least one public informational meeting within the county regarding the commissioner's preliminary designation. After conducting the meetings and within 90 days after receipt of the list or maps, the county board shall present its recommendation to the commissioner, listing any waters regarding which the board disagrees with the commissioner's preliminary designation and stating with particularity the waters involved and the reasons for disagreement.

Subd. 1a. The commissioner shall review the county board's response and, if he agrees with any of the board's recommendations, he shall revise the list and map to reflect the recommendations. Within 30 days after receiving the county board's recommendations, he shall also notify the county board as to which recommendations he accepts and rejects and the reasons for his decision. After the revision of the map and list, if any, or if no response is received from the county board within the 90 days review period, the commissioner shall file the revised list and map with the recorder of each county and shall cause the list and map to be published in the official newspaper of the county.

Subd. 1b. The published notice shall also state that any person or any county may challenge the designation of specific waters as ~~public~~ *protected* waters or wetlands or may request the designation of additional waters as ~~public~~ *protected* waters or wetlands, by filing a petition for a hearing with the commissioner within 90 days following the date of publication. The petition shall state with particularity the waters for which the commissioner's designation is disputed and shall set forth the reasons for disputing the designation. If any designations are disputed by petition, the commissioner shall order a public hearing to be held within the county within 60 days following the 90 day period, notice of which shall be published in the state register and the official newspaper of the county.

Subd. 1c. The hearings shall be conducted by a hearings unit composed of one person appointed by the affected county board, one person appointed by the commissioner and one board member of the local soil and water conservation district or districts within the county who shall be selected by the other two members at least 20 days prior to the hearing date. The expenses of and per diem payments to any member of the hearings unit who is not a state employee shall be paid as provided for in section 15.059, subdivision 3, within the limits of funds available from grants to the county pursuant to Laws 1979, Chapter 199, Section 16. In the event there is a watershed district whose boundaries include the waters involved, the district may provide the hearings unit with its recommendations.

Subd. 1d. Within 60 days following completion of the hearing, the hearings unit shall issue its findings of fact, conclusions and an order, which shall be considered the decision of an agency in a contested case for purposes of judicial review pursuant to sections 15.0424 and 15.0425. The commissioner, the county or any person aggrieved by the decision of the hearings unit may appeal

from the hearings unit's order. Upon receipt of the order of the hearings unit and after the appeal period has expired, or upon receipt of the final order of the court in the case of an appeal, the commissioner shall publish a list of the waters determined to be ~~public~~ *protected* waters and wetlands.

Subd. 1e. The commissioner shall complete the ~~public~~ *protected* waters and wetlands inventory by December 31, 1982.

Sec. 8. Minnesota Statutes 1980, Section 105.391, Subdivision 3, is amended to read:

Subd. 3. Except as provided below, no ~~public~~ *protected* waters or wetlands shall be drained, and no permit authorizing drainage of ~~public~~ *protected* waters or wetlands shall be issued, unless the ~~public~~ *protected* waters or wetlands being drained are replaced by ~~public~~ *protected* waters or wetlands which will have equal or greater public value. However, after a state waterbank program has been established, wetlands which are eligible for inclusion in that program may be drained without a permit and without replacement of wetlands of equal or greater public value if the commissioner does not elect, within 60 days of the receipt of an application for a permit to drain the wetlands, to either (1) place the wetlands in the state waterbank program, or (2) acquire it pursuant to section 97.481, or (3) indemnify the landowner through any other appropriate means, including but not limited to conservation restrictions, easements, leases, or any applicable federal program. If the applicant is not offered his choice of the above alternatives, he is entitled to drain the wetlands involved.

In addition, the owner or owners of lands underlying wetlands situated on privately owned lands may apply to the commissioner for a permit to drain the wetlands at any time after the expiration of ten years following the original designation thereof. Upon receipt of an application, the commissioner shall review the current status and conditions of the wetlands. If he finds that the current status or conditions are such that it appears likely that the economic or other benefits to the owner or owners which would result from drainage would exceed the public benefits of maintaining the wetlands, he shall grant the application and issue a drainage permit. If the application is denied, no additional application shall be made until the expiration of an additional ten years.

Sec. 9. Minnesota Statutes 1980, Section 105.391, Subdivision 10, is amended to read:

Subd. 10. Nothing in this chapter shall prevent a landowner from utilizing the bed of wetlands or ~~public~~ *protected* waters for pasture or cropland during periods of drought, provided there is no construction of dikes, ditches, tile lines or buildings, and the agricultural use does not result in the drainage of the wetlands or ~~public~~ *protected* waters. This chapter shall not prevent a landowner from filling any wetland to accommodate wheeled booms on irrigation devices so long as the fill does not impede normal drainage.

Sec. 10. Minnesota Statutes 1980, Section 105.391, Subdivision 12, is amended to read:

Subd. 12. The designation of waters as "~~public~~ *protected* waters" or "wetlands" pursuant to this section shall not grant any additional or greater right of access to the public to those waters, nor is the commissioner required to acquire access to those waters under section 97.48, subdivision 15, nor is any right of ownership or usage of the beds underlying those waters diminished. Notwith-

standing the designation of waters or lands as ~~public~~ *protected* waters or wetlands, all provisions of Minnesota law forbidding trespass upon private lands shall remain in full force and effect.

Sec. 12. [EFFECTIVE DATE.]

This act is effective the day following its final enactment."

Amend the title as follows:

Page 1, delete lines 2 to 4 and insert:

"relating to natural resources; changing the term "public waters" to "protected waters"; eliminating permit requirements for certain work in watercourses with a drainage area of five square miles or less; requiring notice to landowners of designation of wetlands adjacent to their property; amending Minnesota Statutes 1980, Sections 105.37, Subdivisions 14, 15 and 16, and by adding a subdivision; 105.38; 105.39, Subdivision 3; and 105.391, Subdivisions 1, 3, 10 and 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. 744: A bill for an act relating to natural resources; changing and clarifying administrative provisions regarding watershed districts; increasing per diem for district managers; stating procedures for adopting rules by managers; requiring revision of certain plans every ten years; allowing cash bonds; permitting use of a map to show an assessment area; clarifying emergency procedures; amending Minnesota Statutes 1980, Sections 105.71, Subdivision 1a, and by adding subdivisions; 106.271; 106.471, Subdivision 1; 112.35, Subdivision 19, and by adding a subdivision; 112.36; 112.37, Subdivision 1; 112.39, Subdivision 1; 112.42, Subdivisions 5 and 6; 112.43, Subdivisions 1, 3, and by adding a subdivision; 112.46; 112.47; 112.48, Subdivisions 1, 2, and 4; 112.49, Subdivisions 1 and 7; 112.53, Subdivision 1; 112.58; 112.61, Subdivision 3; 112.62, Subdivision 1; 112.64; 112.65, Subdivision 2; and 112.801, Subdivision 8.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 26, strike "and includes the" and insert " *including planning and*" and strike "of projects"

Page 1, line 27, after "accomplish" insert "*any of*"

Page 1, delete lines 30 to 32 and insert:

"*Subd. 22. "Public officer" means any elected county, state or federal official and any county, state or federal employee with authority to make policy decisions and to direct the accomplishment of governmental objectives.*"

Page 3, delete lines 3 and 4

Page 3, line 5, delete "*(13)*" and insert "*(12)*"

Page 3, line 7, delete "*(14)*" and insert "*(13)*"

Page 4, line 9, reinstate "be a public officer of" and delete "*hold a*"

Page 4, line 10, delete the new language

Page 4, line 31, delete "*per diem*" and strike "the members of the"

Page 4, line 32, strike "board of" and after "managers" insert "*for meetings and for performance of other necessary duties*" and strike "each"

Page 4, line 33, strike "member"

Page 4, lines 35 and 36, delete the new language

Page 5, lines 1 to 3, delete the new language

Page 5, line 8, after the period, insert "*Rules adopted under this subdivision are not subject to the provisions of section 9.*"

Page 7, line 9, after "*adopt*" insert "*, amend or repeal*"

Page 7, line 29, strike ", ordinance," and insert "*or*"

Page 7, line 29, strike ", or regulation"

Page 7, line 36, delete "*The managers*" and insert "*Each district*"

Page 7, line 36, delete "*substantive*"

Page 8, line 4, before "*hearing*" insert "*public notice and*"

Page 8, line 6, delete the second "*the*" and insert "*any notice of hearing or adopted*"

Page 8, line 6, delete "*at least one*" and insert "*every*"

Page 8, line 7, delete "*them*" and insert "*any adopted rules*"

Page 8, after line 10, insert:

"*Any ordinance of a district in effect on the date of enactment of this section shall remain in full force and effect until the district adopts rules pursuant to this subdivision.*"

Page 9, line 25, strike "whereupon" and before "*the*" insert ". *Upon transmittal*"

Page 9, line 28, strike "therefor" and strike "thereon," and insert "*on the amendment*"

Page 9, line 30, delete "REVIEW" and insert "REVISION"

Page 9, line 31, strike "review" and insert "*revise*"

Page 9, line 33, strike "such" and strike "thereto" and strike "may be deemed" and insert "*it deems*"

Page 9, line 34, after the period, insert "*The managers shall consider including the following items in the revised overall plan, and any other information deemed appropriate:*

(1) Updates and supplements of the existing hydrological and other statistical data of the district;

(2) Specific projects completed;

(3) A statement setting forth the extent to which the purposes for which the district had been established have been accomplished;

(4) A description of problems requiring future action by the district;

(5) A summary of completed studies on active or planned projects, including financial data;

(6) An analysis of the effectiveness of the district's rules and permits in achieving its water management objectives in the district.''

Page 9, delete lines 35 and 36

Page 10, delete lines 1 to 15

Page 10, line 16, delete ''*5*'' and insert ''*4*''

Page 10, line 17, delete ''*of formation of*'' and insert ''*that the board prescribed*''

Page 10, line 18, delete ''*, a copy of the*'' and insert ''*or the last revised plan, the managers shall adopt a*''

Page 10, line 19, delete ''*shall be transmitted*'' and insert ''*and shall transmit a copy of the outline*''

Page 10, line 23, delete ''*6*'' and insert ''*5*''

Page 10, line 34, delete ''*to the board*'' and delete ''*in*''

Page 10, line 35, delete ''*connection therewith*'' and insert ''*on the revised plan to the board*''

Page 11, line 4, before ''*hearing*'' insert ''*public*''

Page 11, line 5, delete the comma and insert a period

Page 11, line 7, delete ''*governing*'' and insert ''*shall govern this proceeding*''

Page 11, line 8, delete ''*thereof*'' and insert ''*of the revised plan*''

Page 11, line 12, delete ''*whereupon*'' and insert ''*. Upon transmittal*''

Page 11, line 19, reinstate ''unanimous''

Page 11, lines 20 and 21, delete the new language

Pages 11 and 12, delete section 13 and insert:

''Sec. 13. Minnesota Statutes 1980, 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 ~~for~~ in section 112.46, a petition may be filed with the managers for any project ~~or improvement~~ within the district conforming in general with ~~said~~ *the* plan. The petition ~~therefor~~ must be signed ~~by~~ :

(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 ~~, provided however if~~ *unless* the project ~~or improvement~~ consists of *the establishment of* a drainage ~~proceeding~~ *system* as defined in chapter 106 ~~, such petition shall be signed~~ *or the improvement of an existing drainage system;*

(2) By a majority of the resident owners of the land ~~described in the petition~~

over which the proposed project passes or is located, or by the owners of at least 60 percent of the ~~areas~~ *area* of ~~such~~ *the* land ~~. The lands described in the petition shall be those over which the proposed improvement passes or is located. For the purposes of this subdivision, holders of easements for electric or telephone transmission or distribution lines shall not be deemed freeholders or owners; or~~ *if the project consists of the establishment of a drainage system as defined in chapter 106;*

(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;

~~(2)~~ *(4) By* a county board of any county affected; or

~~(3)~~ *(5) By* the governing body of any city lying wholly or partly within the area proposed to be improved ~~,~~ *;* provided ~~, however,~~ *that* if the proposed project affects lands exclusively within a city, the petition shall originate from the governing body of ~~such~~ *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.

~~Such~~ *The* petition shall contain the following:

~~(1)~~ *(a)* A description of the ~~work~~ proposed *project*, and the purpose to be accomplished;

~~(2)~~ *(b)* A description of the lands over which the proposed ~~improvement~~ *project* passes or is located;

~~(3)~~ *(c)* A general description of the part of the district which will be affected, if less than the entire district;

~~(4)~~ *(d)* The need and necessity for the proposed improvement;

~~(5)~~ *(e)* That the proposed ~~improvement~~ *project* will be conducive to public health, convenience, and welfare;

~~(6)~~ *(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 ~~for the construction thereof~~ is let *for the project* ."

Page 12, line 27, strike "thereon" and insert "*on it,*"

Page 13, line 3, strike "improvement" and insert "*project*"

Page 13, line 3, strike everything after the period

Page 13, lines 4 and 5, strike the old language and delete the new language

Page 13, line 7, strike the period

Pages 13 to 15, delete section 15 and insert:

"Sec. 15. Minnesota Statutes 1980, Section 112.48, Subdivision 4, is amended to read:

Subd. 4. ~~Works of the district which are to be paid by assessment upon~~

~~benefited properties may be instituted~~ *The board of managers may institute projects* upon a resolution of *not less than a majority of* the board ~~of managers, provided, the engineers' preliminary~~ *if:*

(a) Each project is financed by one or more grants totaling at least 50 percent of the estimated cost; and

(b) The engineeer's estimate of *local* costs *to the district, including any assessments against benefited properties but excluding any state, federal or other grant,* is not over ~~$200,000~~ *$750,000* for any *single* project ~~in any calendar year, and that~~ . No ~~such~~ resolution *under this subdivision* shall be used for the establishment of a project, the essential nature and purpose of which is for drainage.

The managers shall hold a public hearing on the proposed resolution for ~~improvement~~ *the project* following publication published once each week for two successive weeks. The publication shall be in a legal newspaper published in the county or counties in which the watershed district is situated, . The last publication shall occur at least ten days before the meeting at which the resolution will be heard. The notice shall contain ~~the following:~~ the date, time and place of hearing, the substance of the proposed resolution, ~~a statement that the improvement would be paid for by special assessment upon benefited property~~ *the means of financing the project,* and *a statement* that all persons who might be affected ~~thereby~~ *by the project* or who may be interested ~~therein~~ *in it* may appear and be heard. Defects in the notice shall not invalidate the proceedings.

The managers shall secure from the district engineer or other competent person of their selection a report advising them in a preliminary way ~~as to~~ whether the proposed ~~improvement~~ *project* is feasible and ~~the estimated~~ *estimating the* cost ~~thereof,~~ *of the project.* No error or omission in the report shall invalidate the proceeding. The managers may also take ~~such~~ other steps prior to the hearing, ~~as~~ *which* will in their judgment provide helpful information in determining the desirability and feasibility of the improvement. If after the hearing it appears to the managers that the proposed ~~improvement is for~~ *project promotes the* public interest and welfare, and is practicable and in conformity with the overall plan of the district, they shall adopt a *final* resolution ~~therefor,~~ *for the project, and* properly identify the proceeding by name and number ~~and shall cause to be made at the earliest time all necessary surveys and plans for the construction of the proposed improvement, as is provided in the case of a work instituted by petition~~. If the report of the engineer is unfavorable the managers shall fix a time and place for a hearing ~~thereon~~ in the ~~matter~~ *manner* provided for the hearing on the resolution. Thereafter the matter may be referred back to the engineer for further study and report or the managers may dismiss the proceeding. ~~If the report of the engineer is favorable~~

When a final resolution is adopted, the matter shall proceed as in the case of a ~~work~~ *project* instituted by petition as is prescribed by this chapter. Upon the filing by the managers with the auditor of a county of a statement listing the property and corporations benefited or damaged or otherwise affected by any ~~improvement~~ *project* under this subdivision as found by the appraisers and approved by the managers, proceedings shall be commenced pursuant to section 112.60."

Page 15, line 13, strike the second "is"

Page 15, line 14, strike "for" and insert "*promotes the*" and strike the comma

Page 15, line 19, delete "*hereinafter*"

Page 15, line 20, after "*provided*" insert "*in this subdivision*"

Page 15, line 22, strike "improvement" and insert "*project*"

Page 15, line 26, strike "thereon:"

Page 15, line 30, strike "thereof"

Page 15, line 32, strike "such" and insert "*and any*"

Page 15, line 33, strike "as may appear" and strike "thereof" and insert "*of the area*"

Page 16, line 3, after the semicolon, insert "*and*"

Page 16, line 6, strike "improvements" and insert " *project*" and strike "his" and insert "*the engineer's*" and strike "thereon" and insert "*on these matters*"

Page 16, delete section 18 and insert:

"Sec. 18. Minnesota Statutes 1980, Section 112.53, Subdivision 1, is amended to read:

Subdivision 1. The managers shall by publication give notice of the pendency of the petition or resolution; the time and place for hearing thereon; *and* that the engineer's and appraisers' reports, including the plans, have been filed with the managers and are subject to inspection. The notice shall contain a brief description of the proposed ~~improvement~~ *project*, together with a description of the properties benefited or damaged, ~~and~~ the names of the owners ~~thereof,~~ *of the properties, and* the public and other corporations affected ~~thereby~~ *by the project* as shown by the engineer's and appraisers' reports ~~; and~~ . *A map of the affected area may be included in the notice in lieu of the names of the owners and descriptions of the properties affected by the project. The notice shall* require all parties interested in the proposed ~~improvement~~ *project* to appear before the managers at the time and place designated in the notice ~~and there~~ *to* present ~~their~~ *any* objections ~~, if any~~ they *may* have, and *to* show cause why an order should not be made by the managers granting the petition ~~and~~ , confirming the reports of the engineer and ~~the~~ appraisers , and ordering the establishment and construction of the ~~improvement~~ *project* ."

Page 17, line 2, delete "*eminent*" and insert "*imminent*"

Page 17, line 8, delete "*when it appears*" and insert "*to the extent*"

Page 17, line 13, delete "*(a)*"

Page 17, line 14, delete "*alternatively, (b) where*" and insert "*if*"

Page 17, line 15, after "*and*" insert "*the work is*"

Page 17, line 16, delete "*the cost*"

Page 17, line 18, delete "*(a) and (b)*"

Page 17, line 29, strike everything after "levy"

Page 17, line 30, strike everything before the comma

Page 17, line 32, strike "; the"

Page 17, line 33, strike "funds to be used" and strike "which is attributed" and insert "*attributable*"

Page 17, line 34, strike "improvement"

Page 17, line 35, after "municipality" insert "*of the district*"

Page 18, line 4, strike "praying"

Page 18, line 7, strike "of the district"

Page 18, line 15, strike the comma

Page 18, line 26, strike "will" and insert "*shall*"

Page 18, line 28, strike ", to the credit of a"

Page 18, line 29, delete "*project*" and strike "of the district,"

Page 18, line 30, strike "to be used" and strike "that"

Page 18, line 31, before "*project*" insert "*a*"

Page 19, line 2, strike "at any" and strike "time that" and insert "*when*"

Page 19, line 12, strike "thereon" and before the period insert "*on the matter*"

Page 19, line 26, strike the second comma

Page 19, line 29, strike "thereon" and insert "*on the report*" and strike "thereof" and insert "*of the hearing*"

Page 19, line 31, strike "full"

Page 19, line 33, strike "and"

Page 19, line 34, strike "thereof" and insert "*of the repair or improvement*"

Page 19, line 34, after "exceed" strike "the" and insert "*its*"

Page 19, line 35, strike "therefrom"

Page 19, line 35, after "assess" insert "*the cost against*"

Page 19, line 36, strike "to defray the cost thereof"

Page 20, line 1, strike "will" and insert "*shall*"

Page 20, line 2, strike "as" and insert "*that*"

Page 20, line 12, strike "thereto" and insert "*to it*"

Page 20, line 13, reinstate "by" and before "without" insert "*contract*"

Page 20, line 14, strike "or entering into a contract therefor"

Page 20, line 25, after "board" insert "*pursuant to this chapter*"

Page 20, line 27, strike "15.0411" and insert "*15.0418*"

Page 20, delete lines 30 to 35 and insert:

"Subd. 1a. The ~~membership~~ terms~~, compensation,~~ *of members of the board*

shall be six years effective for terms beginning on or after the first Monday in January, 1982; except that, for terms beginning the first Monday in January, 1983, one member shall be appointed to a term of four years and one to a term of six years. Removal ~~of members,~~ and filling of vacancies ~~on~~ *of members of* the board shall be as provided in section 15.0575."

Page 21, line 2, delete "*15.0411*" and insert "*15.0418*"

Page 21, line 5, delete "*is at*"

Page 21, line 6, delete "*the rate of*" and insert "*shall be*" and delete "*per*" and insert "*for each*"

Page 21, line 7, delete everything after "*board*"

Page 21, delete lines 8 to 10 and insert ". *Otherwise compensation shall be as provided in section 15.0575.*"

Pages 21 to 23, delete sections 27 and 28 and insert:

"Sec. 27. Minnesota Statutes 1980, Section 106.271, is amended to read:

106.271 [CONSTRUCTION AND MAINTENANCE OF BRIDGES; AUTHORITY OF DIRECTOR.]

The auditor or clerk shall notify the state and each municipality, railroad company, or other corporation to construct any bridge or culvert required upon its road or right-of-way, within a reasonable time named in the notice.

If the work is not done within ~~the~~ *that* time ~~limited~~ , the ~~county board or district court~~ *ditch authority* may order the same built as a part of the construction of the system and the cost ~~thereof~~ shall be deducted from the damages allowed the corporation or collected from it as in case of an assessment for benefits ~~, and in all cases where~~ . *If* the report of the engineer or viewers shows the necessity for the construction of ~~such~~ *the* bridge, the ~~board or court~~ *ditch authority* may order *a* sufficient *amount* retained from any sum due ~~such~~ *to the* municipality, railroad, or other corporation to secure the construction of the bridge or culvert.

On public highways, all bridges and culverts required by the construction and improvement of any public open ditch, shall be constructed and maintained by the public authority charged by law with the duty of keeping ~~such~~ *the* highway in repair, except as ~~hereinafter~~ *provided* in this section ~~noted~~ .

~~In all cases where~~ *If* a public road or street ~~,~~ *which is* not a state trunk highway ~~,~~ is on the line between two public corporations, whether in the same county or not, ~~such~~ *the* corporations shall bear jointly and in equal shares the cost of constructing any bridge or culvert on ~~such~~ *the* road or street made necessary by the construction or improvement of any public drainage ditch ~~; and such~~ . *The* corporations shall bear jointly and in equal shares the cost of ~~thereafter~~ maintaining the ~~same~~ *bridge or culvert* .

~~In all cases where~~ *If* a public drainage ditch is constructed along the boundary line between towns or counties, and excavated material ~~therefrom~~ *from it* is deposited on the boundary line or within two rods ~~thereof~~ *of the line* , the cost of constructing and maintaining all bridges and culverts constructed across ~~such~~ *the* ditch ~~along the boundary upon~~ *on any* town or county roads shall be paid and borne equally by the town or county ~~wherein~~ *where* the bridge or

culvert is located and by the other town or county adjoining the boundary.

Private bridges or culverts, constructed as a part of any ditch system ~~hereafter~~ established *by proceedings instituted after March 25, 1947* , shall be maintained by the ~~county board~~ *ditch authority* as a part of the ditch. Private bridges or culverts constructed as a part of any ditch system established by proceedings instituted before March 25, 1947, may be maintained, repaired, or rebuilt as a part of the ditch by the ~~county board~~ *ditch authority* at the option of the ~~board~~ *ditch authority and* the cost ~~of which~~ may be paid in whole or part by the ditch system.

In proceedings for the repair of a public drainage ditch in which a redetermination of benefits is made as set forth in section 106.465, the drainage authority may direct that any existing bridge or culverts constructed as part of the ditch system which serve as township or city roadways, be repaired or rebuilt as a part of the ditch by the ditch authority, and the cost may be paid in whole or in part by the ditch system.

No bridge or culvert, public or private, shall be constructed or maintained in or across any public drainage ditch with less hydraulic capacity than specified in the engineer's report, except with the written approval of the director. If the engineer's report does not specify the hydraulic capacity, no bridge or culvert, public or private, in or across any public drainage ditch, may be constructed or reconstructed without the approval of the director of the hydraulic capacity of such bridge or culvert.

Sec. 28. Minnesota Statutes 1980, Section 106.471, Subdivision 1, is amended to read:

Subdivision 1. [DEFINITION; MAINTENANCE OF BRIDGES.] (a) The term "repair" *as* used in this section means restoring *all or a part of* a ditch system ~~or any part thereof~~ as nearly as practicable to the same condition as when originally constructed or subsequently improved, including resloping of open ditches and leveling of waste banks ~~thereon~~ if deemed essential to prevent further deterioration, and ~~such~~ routine operations as may be *required* from time to time ~~required~~ to remove obstructions and preserve the efficiency of the ditch.

(b) After construction, all highway bridges and culverts on any ditch system ~~hereafter~~ established *by proceedings instituted after March 27, 1947,* shall be maintained by the municipality or public authority charged with the duty of maintaining the same as set forth in section 106.271. Private bridges and culverts, constructed as a part of any ditch system ~~hereafter~~ established *by proceedings instituted after March 27, 1947* , shall ~~thereafter~~ be maintained by the ~~county~~ *ditch authority* as a part of ~~such~~ *the* ditch system. Private bridges or culverts constructed as a part of any ditch system established by proceedings instituted before March 25, 1947, may be maintained, repaired, or rebuilt, as a part of the ditch by the ~~county board~~ *ditch authority* at the option of the ~~board~~ *ditch authority and* the cost ~~of which~~ may be paid in whole or part by the ditch system.

(c) In proceedings for the repair of a public drainage ditch in which a redetermination of benefits is made as set forth in section 106.465, the drainage authority may direct that any existing bridge or culverts constructed as part of the ditch system which serve as township or city roadways, be repaired

or rebuilt as a part of the ditch by the ditch authority, and the cost may be paid in whole or in part by the ditch system."

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 738, 1140, 782, 1064, 1058, 1122, 886, 287, 562, 368, 405, 671, 985, 838, 1008, 378, 1047, 939, 847, 827, 1150, 767, 649, 656, 830, 470, 120, 1104, 445, 1005, 98 and 140 were read the second time.

SECOND READING OF HOUSE BILLS

H. F. Nos. 483 and 98 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Moe, R.D. moved that the name of Mr. Nichols be stricken as chief author and Mr. Menning be added as chief author to S. F. No. 83. The motion prevailed.

Mr. Moe, R.D. moved that the name of Mr. Nichols be stricken as chief author and Mr. Chmielewski be added as chief author to S. F. No. 745. The motion prevailed.

Mr. Moe, R.D. moved that the name of Mr. Nichols be stricken as chief author and Mr. Peterson, R. W. be added as chief author to S. F. No. 866. The motion prevailed.

Mr. Davies moved that the name of Mr. Dahl be added as co-author to S. F. No. 1028. The motion prevailed.

Mr. Tennessen moved that the name of Mr. Merriam be added as co-author to S. F. No. 1094. The motion prevailed.

Mr. Moe, R.D. moved that the name of Mr. Nichols be stricken as chief author and Mr. Menning be added as chief author to S. F. No. 1130. The motion prevailed.

Mr. Knutson moved that the name of Mr. Ramstad be added as co-author to S. F. No. 1172. The motion prevailed.

Mr. Ramstad moved that S. F. No. 1254 be returned to its author. The motion prevailed.

Mr. Merriam moved that the name of Mr. Dahl be added as co-author to S. F. No. 1277. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Moe, D.M. be added as co-author to S. F. No. 1281. The motion prevailed.

Mr. Olhoft moved that the name of Mr. Peterson, C.C. be added as co-author to S. F. No. 1285. The motion prevailed.

Mr. Sikorski moved that S. F. No. 738 be stricken from General Orders and re-referred to the Committee on Agriculture and Natural Resources. The motion prevailed.

CALENDAR

S. F. No. 291: A bill for an act relating to counties; repealing the law prohibiting persons holding the office of deputy sheriff from holding public office; prohibiting county commissioners from being employed by their counties; amending Minnesota Statutes 1980, Sections 375.09; and 387.13.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Langseth	Peterson,C.C.	Spear
Bang	Engler	Lantry	Peterson,D.L.	Stern
Belanger	Frank	Lessard	Peterson,R.W.	Stokowski
Benson	Frederick	Lindgren	Petty	Stumpf
Bernhagen	Frederickson	Luther	Pillsbury	Taylor
Bertram	Hughes	Menning	Purfeerst	Tennessen
Brataas	Humphrey	Merriam	Ramstad	Ulland
Chmielewski	Johnson	Moe, D. M.	Renneke	Vega
Dahl	Keefe	Moe, R. D.	Rued	Waldorf
Davies	Knoll	Nelson	Schmitz	Wegener
Davis	Kroening	Olhoft	Setzepfandt	Willet
Dicklich	Kronebusch	Pehler	Sikorski	

So the bill passed and its title was agreed to.

H. F. No. 339: A bill for an act relating to towns in St. Louis County; providing a method for determining whether to open or maintain certain town roads.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 1, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kroening	Pehler	Sikorski
Bang	Dieterich	Kronebusch	Penny	Spear
Belanger	Engler	Langseth	Peterson,C.C.	Stern
Benson	Frank	Lantry	Peterson,D.L.	Stokowski
Berg	Frederick	Lessard	Peterson,R.W.	Stumpf
Bernhagen	Frederickson	Lindgren	Petty	Taylor
Bertram	Hughes	Luther	Pillsbury	Tennessen
Brataas	Humphrey	Menning	Purfeerst	Ulland
Chmielewski	Johnson	Merriam	Ramstad	Vega
Dahl	Keefe	Moe, D. M.	Renneke	Waldorf
Davies	Knoll	Moe, R. D.	Rued	Wegener
Davis	Knutson	Nelson	Schmitz	Willet

Mr. Olhoft voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 521: A bill for an act relating to transportation; including motels within the specific information signing program; amending Minnesota Statutes 1980, Sections 160.292; 160.293, Subdivisions 1, 2, and 3; and 160.295, Subdivision 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 54 and nays 8, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Langseth	Penny	Sikorski
Bang	Frederick	Lantry	Peterson, C.C.	Solon
Belanger	Frederickson	Lessard	Peterson, D.L.	Stern
Benson	Hughes	Lindgren	Peterson, R.W.	Stokowski
Berg	Humphrey	Luther	Pillsbury	Stumpf
Bernhagen	Johnson	Menning	Purfeerst	Taylor
Bertram	Keefe	Merriam	Ramstad	Ulland
Brataas	Knoll	Moe, D.M.	Renneke	Vega
Chmielewski	Knutson	Moe, R.D.	Rued	Waldorf
Davis	Kroening	Nelson	Schmitz	Wegener
Dicklich	Kronebusch	Olhoft	Setzepfandt	

Those who voted in the negative were:

Dahl	Dieterich	Pehler	Tennessen	Willet
Davies	Frank	Petty		

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Solon in the chair.

After some time spent therein, the committee arose, and Mr. Solon reported that the committee had considered the following:

S. F. Nos. 31, 330, 393, 215, 155, 250, 72, 489, 660, 196, 408, 741, 462, 550, 136, 745, 973, 785 and H. F. No. 349, which the committee recommends to pass.

S. F. No. 352, which the committee recommends to pass with the following amendments offered by Mr. Tennessen and Ms. Berglin:

Mr. Tennessen moved to amend S. F. No. 352 as follows:

Page 1, line 28, delete "*18*" and insert "*17*"

Page 2, line 3, delete "*18*" and insert "*17*"

Page 2, line 6, delete "*18*" and insert "*17*"

Page 3, line 5, delete "*of*" and insert "*or*"

Page 3, line 7, after "*which*" insert "*grants to the dealer the right to market motor vehicles and which*"

Page 4, line 8, delete "*the dealer*" and insert "*dealers*"

Page 4, line 12, after "*repairs*" insert "*unless the rate is determined to be unreasonable*"

Page 5, line 5, delete "*18*" and insert "*17*"

Page 5, line 25, after "*cancellation*" delete the comma and insert "*or*"

Page 5, line 25, after "*termination*" delete the comma

Page 5, line 26, delete "*nonrenewal, or noncontinuance*"

Page 6, line 7, delete "*18*" and insert "*17*"

Page 7, line 20, delete "*(1)*" and insert "*(a)*"

Page 7, line 23, delete "*(a)*" and insert "*(1)*"

Page 7, line 27, delete "*(b)*" and insert "*(2)*"

Page 7, line 32, delete "*(c)*" and insert "*(3)*"

Page 7, line 34, delete "*(d)*" and insert "*(4)*"

Page 8, line 1, delete "*(2)*" and insert "*(b)*"

Page 8, line 35, delete "*clause*" and insert "*paragraph*"

Page 9, line 22, delete "*clause*" and insert "*paragraph*"

Page 10, line 9, delete "*12, subdivision 1*" and insert "*13*"

Page 10, line 10, delete "*clause*" and insert "*paragraph*"

Page 10, line 15, delete "*19*" and insert "*17*"

Page 11, line 8, delete "*11 and 12*" and insert "*12 and 13*"

Page 12, line 6, delete "*if*"

Page 12, line 6, after "*(a)*" insert "*if*"

Page 12, line 10, after "*(b)*" insert "*if the designated family member*"

Page 13, line 6, delete "*18*" and insert "*17*"

Page 13, line 23, delete "*Subdivision 1.* [ENUMERATION.]"

Page 14, line 14, delete "*18*" and insert "*17*"

Page 14, line 23, delete "*12, subdivision 1(j)*" and insert "*13, paragraph (j)*"

Page 15, line 17, delete "*18*" and insert "*17*"

Page 15, line 21, after "*state*" delete the comma and insert "*or*"

Page 15, line 21, delete "*or the commissioner,*"

Page 15, line 25, delete "*Subdivision 1.* [ENUMERATION.]"

Page 17, line 23, delete "*18*" and insert "*17*"

Page 18, line 10, delete "*18*" and insert "*17*"

Page 19, line 25, delete "*18*" and insert "*17*"

Page 19, line 28, delete "*11, or 12*" and insert "*13, or 14*"

Page 19, line 31, delete "*18*" and insert "*17*"

Page 19, line 36, delete "*3*" and insert "*2*"

Page 20, line 7, delete "*18*" and insert "*17*"

Page 20, line 10, delete "*18*" and insert "*17*"

The motion prevailed. So the amendment was adopted.

Mr. Tennessen then moved to amend S. F. No. 352 as follows:

Page 2, line 11, after "*machinery*" insert "*or special mobile equipment as defined in section 168.011, subdivision 22*"

Page 19, line 23, after "*not*" insert "*take any actions or*"

Page 21, line 5, after "*agreement*" insert "*between a new motor vehicle manufacturer, distributor, or factory branch and a franchisee*"

The motion prevailed. So the amendment was adopted.

Mr. Tennessen, for Ms. Berglin, moved to amend S. F. No. 352 as follows:

Page 1, after line 13, insert:

"Section 1. [80C.145] [MOTOR FUEL FRANCHISES; RIGHT OF SURVIVORSHIP.]

Subdivision 1. [REQUIRED PROVISIONS.] *No motor fuel franchisor shall initially execute or renew a franchise agreement in the state after July 1, 1981 unless it contains the provisions of subdivisions 3 to 9.*

Subd. 2. [DEFINITION; DESIGNATED FAMILY MEMBER.] *For purposes of this section, "designated family member" means the spouse, child, grandchild, parent, brother, or sister of the motor fuel franchisee who, in the case of the motor fuel franchisee's death, is entitled to inherit the franchisee's interest in the motor fuel franchise under the terms of the franchisee's will or under the law of intestate succession of this state or who, in the case of an incapacitated franchisee, has been appointed by a court as the legal representative of the franchisee's property.*

Subd. 3. [AUTHORIZATION.] *Any designated family member of a deceased or incapacitated owner of a motor fuel franchise may succeed to the ownership of the existing franchise: (a) if the designated family member gives the motor fuel franchisor written notice of the intention to succeed to the motor fuel franchise within 60 days of the motor fuel franchisee's death or incapacity; (b) if the designated family member agrees to be bound by all terms and conditions of the existing franchise; and (c) unless there exists good cause for the refusal to honor the succession on the part of the motor fuel franchisor.*

Subd. 4. [PERSONAL AND FINANCIAL DATA.] *At the time of serving notice under subdivision 3, the designated family member shall provide upon the request of the motor fuel franchisor, personal and financial data that is reasonably necessary to determine whether the succession should be honored.*

Subd. 5. [NOTICE OF TERMINATION OR REFUSAL TO HONOR SUCCESSION.] *If a motor fuel franchisor believes in good faith that good cause exists for refusing to honor succession of the franchise by a designated family member of a deceased or incapacitated motor fuel franchisee, the franchisor may within 90 days after receipt of the personal and financial data requested under subdivision 4, serve notice upon the designated family member of its refusal to honor succession and of its intent to terminate the existing motor fuel franchise with the designated family member no sooner than 90 days from the date the notice is served.*

Subd. 6. [CONTENTS OF NOTICE.] *The notice must state the specific grounds for the refusal to honor the succession and the termination of the existing franchise with the designated family member.*

Subd. 7. [EFFECT OF NOTICE NOT TIMELY SERVED.] *If notice of*

refusal and termination is not timely served upon the designated family member, the existing motor fuel franchise shall continue in effect subject to termination only as otherwise permitted by law.

Subd. 8. [BURDEN OF PROOF.] *In determining whether good cause for the refusal to honor the succession exists, the motor fuel franchisor has the burden of proving that the successor is a person who is not of good moral character or does not meet the franchisor's existing, reasonable standards.*

Subd. 9. [SUCCESSION AGREEMENTS.] *Notwithstanding the foregoing, in the event the motor fuel franchisee and the motor fuel franchisor have duly executed an agreement concerning the succession rights prior to the franchisee's death or incapacitation, the agreement shall be observed, even if the agreement designates an individual other than the surviving spouse or heirs of the franchisee.*

Subd. 10. [ENFORCEMENT.] *The attorney general or any aggrieved party may institute a civil action in the district court for an injunction prohibiting a violation of this section. It is no defense to the action that the state or the aggrieved party has adequate remedies at law.*"

Page 1, line 28, delete "*1*" and insert "*2*"

Page 2, lines 3 and 6, delete "*1*" and insert "*2*"

Page 5, line 5, delete "*1*" and insert "*2*"

Page 5, line 22, delete "*8*" and insert "*9*"

Page 5, line 23, delete "*3*" and insert "*4*"

Page 6, line 7, delete "*1*" and insert "*2*"

Page 9, line 18, delete "*6*" and insert "*7*"

Page 10, line 9, delete "*12*" and insert "*14*"

Page 10, line 15, delete "*19*" and insert "*18*"

Page 11, line 8, delete "*4*" and insert "*5*"

Page 11, line 8, delete "*11 and 12*" and insert "*13 and 14*"

Page 13, line 5, delete "*1*" and insert "*2*"

Page 14, line 14, delete "*1*" and insert "*2*"

Page 14, line 23, delete "*12*" and insert "*13*"

Page 15, line 17, delete "*1*" and insert "*2*"

Page 17, line 22, delete "*1*" and insert "*2*"

Page 19, lines 25 and 31, delete "*1*" and insert "*2*"

Page 19, line 28, delete "*4, 11, or 12*" and insert "*5, 13, or 14*"

Page 20, lines 7 and 10, delete "*1*" and insert "*2*"

Page 21, line 16, delete "*19*" and insert "*20*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after the first semicolon, insert "requiring motor fuel franchises to extend to and bind the successors of both parties;"

Page 1, line 8, after "4;" insert "proposing new law coded in Minnesota Statutes, Chapter 80C;"

The motion prevailed. So the amendment was adopted.

S. F. No. 430, which the committee recommends to pass with the following amendment offered by Mr. Pehler:

Page 6, line 27, delete "*on*" and insert "*by*"

Page 6, line 28, after "*and*" insert "*by*"

Page 11, line 1, delete "*secular*" insert "*business*"

Page 11, line 28, reinstate the stricken language and after "annum" insert "*until January 1, 1981, and at the rate*"

Page 11, line 29, after "*549.09*" insert "*thereafter*"

Page 11, line 33, delete "*secular*" and insert "*business*"

Page 15, line 1, strike "assessed" and insert "*estimated market*"

Amend the title as follows:

Page 1, line 3, delete "wetland" and insert "native prairie"

The motion prevailed. So the amendment was adopted.

S. F. No. 89, which the committee recommends to pass with the following amendment offered by Mr. Davies:

Page 1, line 18, after "office" insert "*other than a seat in the legislature*"

The motion prevailed. So the amendment was adopted.

S. F. No. 522, which the committee recommends to pass with the following amendment offered by Mr. Stern:

Page 2, line 30, strike the period and insert a semicolon

Page 2, after line 30, insert:

"*(e) County park reserve rangers shall be green and brown.*"

The motion prevailed. So the amendment was adopted.

S. F. No. 520, which the committee recommends to pass with the following amendment offered by Mr. Kroening:

Page 2, line 33, delete "*register*" and insert "*re-register*"

Page 2, line 34, delete "*required*" and insert "*requested*"

Page 2, line 34, delete "*when*"

Page 2, line 35, delete "*requested by*" and insert "*to*"

Page 2, line 35, after "*muncipality*" insert "*at any time except at the polling place*"

Page 3, line 26, after the period, insert "*He shall prescribe the form for a county or municipality to request the day and month of birth from currently*

registered voters. The county or municipality shall not request the day and month of birth from currently registered voters by any communication other than the prescribed form and the form shall clearly indicate that a currently registered voter does not lose his or her registration status by failing to provide his or her day and month of birth.''

Page 4, after line 11, insert:

''Sec. 7. [TEMPORARY RULES.]

The secretary of state shall have authority to promulgate temporary rules pursuant to chapter 15 to carry out the purposes of section 5.''

Page 4, line 12, delete ''7'' and insert ''8''

The motion prevailed. So the amendment was adopted.

S. F. No. 530, which the committee recommends to pass with the following amendment offered by Mr. Chmielewski:

Page 1, line 11, strike ''shall be'' and insert ''*is*'' and strike ''means of''

Page 1, line 12, strike ''thereat''

Page 1, line 13, strike '', or to transport any firearm'' and insert a period

Page 1, line 14, after ''except'' insert ''*for*''

Page 1, line 15, after the comma, insert ''*it is unlawful to transport any firearm, including a muzzle loading firearm,*''

Page 1, line 16, after ''unless'' insert ''*(1)*''

Page 1, line 16, strike ''same'' and insert ''*firearm*''

Page 1, line 17, strike ''completely''

Page 1, line 20, strike ''unless'' and insert ''*(2) the firearm is*'' and strike ''contained''

Page 1, line 21, after ''of'' strike ''the'' and insert ''*a*''

Page 1, line 22, strike ''the following'' and insert ''*a bow and arrow*''

Page 1, line 23, strike '': and (1) a bow and arrow''

Page 1, line 23, after ''unless'' insert ''*(1)*'' and after ''unstrung'' strike ''or'' and insert '', *(2)*''

Page 1, line 24, after ''case'' insert a comma and strike ''unless'' and insert ''*(3)*''

Page 1, line 25, strike ''; (2) a muzzle loading''

Page 2, line 1, strike the old language and delete the new language

Page 2, strike lines 2 to 5

Page 2, line 6, strike ''location of a vehicle''

Page 2, strike lines 10 to 16

Page 2, after line 16, insert:

''Sec. 2. Minnesota Statutes 1980, Section 100.29, Subdivision 17, is

amended to read:

Subd. 17. It shall be unlawful to take migratory waterfowl, coots, and rails in open water when the hunter is not within a natural growth of weeds, rushes, flags or other vegetation sufficient to partially conceal the hunter or boat, or from a permanent artificial blind or sink box built in public waters, provided pursuing or shooting wounded birds in open water in a boat or canoe is permitted. *Migratory waterfowl may be taken from a floating craft, but only if the craft is drifting, beached, moored, resting at anchor, or is being propelled solely by paddle, oars, or pole.*"

Amend the title as follows:

Page 1, line 5, delete "Subdivision" and insert "Subdivisions" and after "5" insert "and 17"

The motion prevailed. So the amendment was adopted.

S. F. No. 699, which the committee recommends to pass, after the following motion:

Mr. Davies moved to amend S.F. No. 699 as follows:

Page 1, line 19, after the period, insert "*The commissioner may act pursuant to this subdivision to assist construction of a separate pedestrian and bike path at East Lake Street and West River Road in Minneapolis, but a grade separation of the streets may not be constructed at that location.*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 29 and nays 25, as follows:

Those who voted in the affirmative were:

Dahl	Keefe	Moe, D. M.	Petty	Stokowski
Davies	Kroening	Nelson	Schmitz	Stumpf
Davis	Langseth	Olhoft	Setzepfandt	Tennessen
Dicklich	Luther	Pehler	Solon	Vega
Humphrey	Menning	Penny	Spear	Willet
Johnson	Merriam	Peterson,R.W.	Stern	

Those who voted in the negative were:

Ashbach	Bertram	Hughes	Moe, R. D.	Rued
Belanger	Brataas	Knoll	Peterson,D.L.	Sikorski
Benson	Frank	Knutson	Pillsbury	Taylor
Berg	Frederick	Kronebusch	Ramstad	Ulland
Bernhagen	Frederickson	Lindgren	Renneke	Waldorf

The motion prevailed. So the amendment was adopted.

S. F. No. 639, which the committee recommends to pass with the following amendment offered by Mr. Schmitz:

Page 1, line 19, delete "*the 1980*" and insert "*each*" and delete "*and each federal census*"

Page 1, line 20, delete "*thereafter*"

Page 1, line 21, delete "*completed by*" and insert "*effective*"

Page 1, line 22, after the period, insert "*Within two months thereafter,*"

Page 1, line 23, delete "*new*" and delete "*after each*"

Page 1, line 24, delete "*redistricting*" and delete "*Those*"

Page 1, line 25, delete "*the 1980*" and insert "*each*"

Page 2, line 1, delete ", *1985*" and insert "*of the year ending in 5*"

Page 2, line 3, delete ", *1987*" and insert "*of the year ending in 7*"

Page 2, delete lines 6 and 7

Amend the title as follows:

Page 1, line 3, delete "districts" and insert "boundaries"

Page 1, line 3, delete "apportioned" and insert "redrawn"

Page 1, line 4, delete "the 1980" and insert "each"

The motion prevailed. So the amendment was adopted.

S. F. No. 401, which the committee recommends to pass with the following amendments offered by Messrs. Davies and Berg:

Mr. Davies moved to amend S.F. No. 401 as follows:

Page 2, line 5, after "*are*" insert "*legibly*" and after "*postmarked*" insert "*from a postoffice out of this state, and*"

The motion prevailed. So the amendment was adopted.

Mr. Berg moved to amend S. F. No. 401 as follows:

Page 2, lines 9 and 15, delete "*Thursday*" and insert "*Wednesday*"

The motion prevailed. So the amendment was adopted.

S. F. No. 568, which the committee reports progress, subject to the following motion:

Mr. Tennessen moved to amend S. F. No. 568 as follows:

Page 3, line 4, delete "*Section*" and insert "*Sections*"

Page 3, line 5, delete ", *Subdivision 4*" and insert "*and 47.21*"

The motion prevailed. So the amendment was adopted.

S. F. No. 568 was then progressed.

On motion of Mr. Keefe, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

Without objection, the Senate reverted to the Order of Business of Executive and Official Communications.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

April 13, 1981

The Honorable Jack Davies
President of the Senate

The Honorable Harry A. Sieben, Jr.
Speaker of the House

Sirs:

I respectfully request the opportunity of addressing a joint session of the House and Senate of the 72nd Session of the Minnesota Legislature on Wednesday, April 15, 1981, for the purpose of presenting a revised 1982-83 budget recommendation to the Legislature.

Sincerely yours,

Albert H. Quie, Governor

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Mr. Merriam moved that S. F. No. 738 be withdrawn from the Committee on Agriculture and Natural Resources and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Petty moved that S. F. No. 120, on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

RECONSIDERATION

Mr. Purfeerst moved that the vote whereby H. F. No. 521 was passed by the Senate on April 13, 1981, be now reconsidered. 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. Moe, R.D. introduced—

S.F. No. 1290: A bill for an act relating to taxation; providing for the rule making powers of the state board of assessors; amending Minnesota Statutes 1980, Section 270.47.

Referred to the Committee on Taxes and Tax Laws.

Mr. Sikorski introduced—

S.F. No. 1291: A bill for an act relating to state lands; directing conveyance of certain lands in Washington County.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Petty, Mrs. Lantry, Ms. Berglin, Messrs. Dahl and Keefe introduced—

S.F. No. 1292: A bill for an act relating to children; providing for reports of dependency, neglect, and abuse of children; allowing for courts to compel testimony under certain circumstances; amending Minnesota Statutes 1980, Sections 254A.09; and 626.556, Subdivisions 7, 8, 10, and 11.

Referred to the Committee on Judiciary.

Messrs. Renneke and Stern introduced—

S.F. No. 1293: A bill for an act relating to retirement; teachers retirement association and teacher retirement fund associations in cities of the first class; allowing certain types of survivor coverage be provided to a designated beneficiary instead of a surviving spouse requiring public pension funds to provide information concerning optional annuity forms with retirement application form; requiring the signature of the spouse of a member on the retirement application form in certain instances; amending Minnesota Statutes 1980, Sections 354.46, Subdivisions 1 and 2; 354.47, Subdivision 1; and 354A.35, Subdivisions 1 and 2; and proposing new law coded in Minnesota Statutes, Chapter 356.

Referred to the Committee on Public Employees and Pensions.

Messrs. Knutson, Davies and Peterson, D.L. introduced—

S.F. No. 1294: A resolution memorializing the President and Congress to adopt legislation requiring a health hazard notice be required on all bottles of alcoholic beverage.

Referred to the Committee on Rules and Administration.

Messrs. Taylor, Pehler and Ulland introduced—

S.F. No. 1295: A bill for an act relating to public welfare; changing a definition regarding determination of the county of financial responsibility for purposes of the general assistance program; amending Minnesota Statutes 1980, Section 256D.18, Subdivisions 2 and 3.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Ashbach introduced—

S.F. No. 1296: A bill for an act relating to public improvements; allowing deferment of special assessments in cases of hardship regardless of the age of the owner; amending Minnesota Statutes 1980, Section 435.193.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Ashbach introduced—

S.F. No. 1297: A bill for an act relating to the city of New Brighton; authorizing a project and the issuance of revenue bonds under Minnesota Statutes, Chapter 474.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Bertram introduced—

S.F. No. 1298: A resolution memorializing the President and Congress to continue the price support level for milk and milk products.

Referred to the Committee on Rules and Administration.

Messrs. Davis, Merriam and Bertram introduced—

S.F. No. 1299: A bill for an act relating to game and fish; affording protec-

tion to the coyote; authorizing a season thereon; amending Minnesota Statutes 1980, Sections 100.26, Subdivision 1; and 100.27, Subdivisions 3 and 7.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Vega introduced—

S.F. No. 1300: A bill for an act relating to the city of South St. Paul; permitting the city to refund special assessments collected for the city's sewer separation project by the use of money in the general fund or the proceeds of bonds, and to cancel the remaining special assessments relating to the project.

Referred to the Committee on Taxes and Tax Laws.

Mr. Bang introduced—

S.F. No. 1301: A bill for an act relating to privacy; government data practices; classifying certain law enforcement data; amending Minnesota Statutes 1980, Section 15.1695, Subdivision 1.

Referred to the Committee on Judiciary.

Messrs. Peterson, C.C.; Tennessen and Bang introduced—

S.F. No. 1302: A bill for an act relating to commerce; removing the auctioneer's exception to the definition of "real estate broker"; exempting certain real estate brokers and salespersons from the licensing requirements for mobile home manufacturers and dealers; amending Minnesota Statutes 1980, Sections 82.18; and 327.55, by adding a subdivision.

Referred to the Committee on Commerce.

Mr. Dieterich introduced—

S.F. No. 1303: A bill for an act relating to public welfare; establishing state aid funding formulas for medical assistance and general assistance medical care; prohibiting counties from spending funds on medical care not covered by medical assistance or general assistance medical care; amending Minnesota Statutes 1980, Sections 256B.19, Subdivision 1; 256D.03, Subdivision 3; and 256D.04; proposing new law coded in Minnesota Statutes, Chapters 256B and 256D.

Referred to the Committee on Taxes and Tax Laws.

Mr. Benson introduced—

S.F. No. 1304: A bill for an act relating to natural resources; permitting the commissioner of natural resources to sell all lands acquired for the Root River trail and abolishing that trail; repealing Minnesota Statutes 1980, Section 85.015, Subdivision 7.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Solon and Ulland introduced—

S.F. No. 1305: A bill for an act relating to the city of Duluth; providing tax

and bond financing for the transit authority; amending Laws 1969, Chapter 720, Section 11, Subdivision 1, as amended; and Section 13.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Renneke, Merriam, Davis, Hanson and Engler introduced—

S.F. No. 1306: A bill for an act relating to soil and water conservation; allocating certain state cost sharing funds for high priority erosion problems identified by local districts; imposing duties on the state and local soil and water conservation boards; providing technical assistance grants to local districts; appropriating money; amending Minnesota Statutes 1980, Sections 40.036; and 40.07, Subdivision 9.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Wegener introduced—

S.F. No. 1307: A bill for an act relating to the city of Pierz; appropriating money for an emergency warning system.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Solon introduced—

S.F. No. 1308: A bill for an act relating to landlords and tenants; allowing tenants to cancel tenancy agreements under certain conditions; proposing new law coded in Minnesota Statutes, Chapter 504.

Referred to the Committee on Judiciary.

Messrs. Bang, Schmitz, Stumpf, Berg and Engler introduced—

S.F. No. 1309: A bill for an act relating to elections; permitting employees time off to vote; amending Minnesota Statutes 1980, Section 204A.36.

Referred to the Committee on Elections and Reapportionment.

Mr. Langseth introduced—

S.F. No. 1310: A bill for an act relating to the town of Oak Port in Clay county; authorizing the town to exercise certain powers.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Luther, Langseth, Ramstad, Merriam and Spear introduced—

S.F. No. 1311: A bill for an act relating to education; imposing duties on certain test agencies; providing a penalty for failure to perform the duties; proposing new law coded in Minnesota Statutes, Chapter 136A.

Referred to the Committee on Education.

Messrs. Lindgren, Solon and Renneke introduced—

S.F. No. 1312: A bill for an act relating to insurance; requiring health maintenance organizations to offer certain benefits for alcoholics and drug

dependents; specifying the requirements of this coverage; amending Minnesota Statutes 1980, Section 62A.149.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Luther, Willet and Peterson, C.C. introduced—

S.F. No. 1313: A bill for an act relating to nuclear energy; providing for the storage and disposal of certain radioactive wastes; requiring licensure of radioactive waste management facilities in Minnesota; proposing new law coded in Minnesota Statutes, Chapter 116C.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Merriam, Rued, Dahl, Frank and Chmielewski introduced—

S.F. No. 1314: A bill for an act relating to education; authorizing the sale of bonds for the maximum effort school loan fund; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 124.

Referred to the Committee on Education.

Mr. Davis introduced—

S.F. No. 1315: A bill for an act relating to retirement; authorizing the purchase of prior service credit by a certain member of the Minnesota state retirement system.

Referred to the Committee on Public Employees and Pensions.

Mr. Peterson, C.C. introduced—

S.F. No. 1316: A bill for an act relating to taxation; sales tax; changing the definition of "sale"; amending Minnesota Statutes 1980, Section 297A.01, Subdivision 3.

Referred to the Committee on Taxes and Tax Laws.

RECESS

Mr. Moe, R. D. moved that the Senate do now recess until 7:30 p.m. The motion prevailed.

The hour of 7:30 p.m. having arrived, the President called the Senate to order.

Without objection, the Senate reverted to the Order of Business of Executive and Official Communications.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

April 10, 1981

The Honorable Albert Quie
Governor

Dear Governor Quie:

This is to inform you that I am resigning as a Minnesota State Senator

effective April 10, 1981.

Sincerely,

Jim Nichols
State Senator

MESSAGES FROM THE HOUSE

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. 275: A bill for an act relating to counties; permitting escalation clauses or negotiated price changes in county contracts; clarifying advertising requirements; amending Minnesota Statutes 1980, Section 375.21, Subdivision 1.

Senate File No. 275 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 13, 1981

Mr. Moe, R. D. moved that S. F. No. 275 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. 6, 138, 159, 365, 413, 522, 536, 630, 646, 704, 847, 969, 63, 142, 272 and 1088.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 13, 1981

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H. F. No. 6: A bill for an act relating to commerce; prohibiting the sale of certain petroleum products on any basis other than gross volume; amending Minnesota Statutes 1980, Section 296.05, by adding a subdivision.

Referred to the Committee on Commerce.

H. F. No. 138: A bill for an act relating to courts; authorizing the judges of the sixth judicial district to set the salaries of court reporters.

Referred to the Committee on Judiciary.

H. F. No. 159: A bill for an act relating to court commissioners; abolishing the office of court commissioner; amending Minnesota Statutes 1980, Section 489.01.

Referred to the Committee on Judiciary.

H. F. No. 365: A bill for an act relating to building code inspectors; auth-

orizing certain municipalities to choose between two options to enforce the provisions of the building code related to access for handicapped persons; amending Minnesota Statutes 1980, Section 16.861, by adding a subdivision.

Referred to the Committee on Governmental Operations.

H. F. No. 413: A bill for an act relating to handicapped persons; prohibiting persons serving as foreign language interpreters or interpreters for persons with hearing or speaking impairments from disclosing communications made to them during the course of civil, criminal or administrative proceedings; amending Minnesota Statutes 1980, Sections 546.44, by adding a subdivision; 595.02; 611.30; 611.31; and 611.33, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 516, now on General Orders.

H. F. No. 522: A bill for an act relating to family; clarifying circumstances in which parent with custody of child may move to another state; amending Minnesota Statutes 1980, Section 518.175, Subdivision 3.

Referred to the Committee on Judiciary.

H. F. No. 536: A bill for an act relating to retirement; city of St. Paul public housing agency; transferring retirement coverage for certain public employees; amending Laws 1977, Chapter 228, Section 3.

Referred to the Committee on Public Employees and Pensions.

H. F. No. 630: A bill for an act relating to open meetings; requiring availability of certain materials; prescribing penalties; amending Minnesota Statutes 1980, Section 471.705, Subdivision 2; and by adding a subdivision.

Referred to the Committee on Governmental Operations.

H. F. No. 646: A bill for an act relating to courts; authorizing chief judges of judicial districts to serve more than two consecutive terms; amending Minnesota Statutes 1980, Section 484.69, Subdivision 1.

Referred to the Committee on Judiciary.

H. F. No. 704: A bill for an act relating to motor vehicles; providing for the taxation and registration of certain collector's vehicles; including additional vehicles entitled to classic car license plates; increasing the tax thereon; amending Minnesota Statutes 1980, Section 168.10, Subdivision 1b.

Referred to the Committee on Transportation.

H. F. No. 847: A bill for an act relating to highway traffic regulations; providing for the designation and undesignation of routes to carry certain gross weights; amending Minnesota Statutes 1980, Section 169.832, Subdivision 11; repealing Minnesota Statutes 1980, Section 169.832, Subdivision 12.

Referred to the Committee on Transportation.

H. F. No. 969: A bill for an act relating to metropolitan government; authorizing the metropolitan council to prepare guidelines relating to the amendment of comprehensive plans; amending Minnesota Statutes 1980, Section 473.864, Subdivision 2.

Referred to the Committee on Rules and Administration for comparison with

S. F. No. 857, now on General Orders.

H. F. No. 63: A bill for an act relating to health maintenance organizations; eliminating any requirements that health maintenance organizations provide elective, induced abortions; amending Minnesota Statutes 1980, Sections 62D.02, Subdivision 7; 62D.20; and 62D.22, Subdivision 5.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 110, now on General Orders.

H. F. No. 142: A bill for an act relating to taxation; real property; extending 3 classification to certain property used for recreational purposes; amending Minnesota Statutes 1980, Section 273.13, Subdivision 4.

Referred to the Committee on Taxes and Tax Laws.

H. F. No. 272: A bill for an act relating to administrative rules; clarifying certain powers and duties of the legislative commission to review administrative rules; amending Minnesota Statutes 1980, Section 3.965, Subdivision 3, and by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 257, now on General Orders.

H. F. No. 1088: A bill for an act relating to the secretary of state; requiring that government survey documents be maintained on microfilm; providing for filing certain documents with the Minnesota historical society; amending Minnesota Statutes 1980, Section 5.03.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 942.

REPORTS OF COMMITTEES

Mr. Moe, R. D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S. F. No. 715. The motion prevailed.

Mr. Wegener from the Committee on Local Government and Urban Affairs, to which was referred

S. F. No. 1228: A bill for an act relating to cities; authorizing city rehablitation loan programs for small and medium sized commercial buildings; and providing for the issuance of revenue bonds to finance the programs; proposing new law coded in Minnesota Statutes, Chapter 459.

Reports the same back with the recommendation that the bill be amended as follows:

Amend the title as follows:

Page 1, line 2, delete "rehablitation" and insert "rehabilitation"

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government and Urban Affairs, to which was referred

S. F. No. 1230: A bill for an act relating to the city of St. Paul; authorizing

issuance of general obligation bonds for capital improvements; fixing amounts; amending Laws 1971, Chapter 773, Section 1, as amended.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 13, after "year" insert "*; but at no time shall the aggregate principal amount of bonds authorized exceed $8,500,000 in 1982, $9,000,000 in 1983 and $9,500,000 in 1984*"

Page 3, after line 1, insert:

"Sec. 2. Laws 1978, Chapter 788, Section 5, is amended to read:

Sec. 5. Within the boundaries of any tax increment district established in the city of St. Paul proceeds from the sale of capital improvement bonds may be expended solely for transportation purposes.

Capital improvement bonds authorized shall not be used to finance either temporarily or permanently any part of the cost of acquisition, relocation, demolition, administration, and development of any property for purpose of directly developing the city's property tax base. And bond moneys authorized shall not be used to subsidize or underwrite the development or redevelopment of private property, nor shall they be used to provide loans or grants for the development or rehabilitation of homes, businesses, private foundations, or public charities."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after "amended" insert "; and Laws 1978, Chapter 788, Section 5"

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government and Urban Affairs, to which was referred

S. F. No. 715: A bill for an act relating to counties; making state land subject to county land use planning and zoning; amending Minnesota Statutes 1980, Section 394.24, Subdivision 3.

Reports the same back with the recommendation that the bill do pass. Mr. Merriam questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 577: A bill for an act relating to state lands; authorizing the sale of certain tax-forfeited land.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 1154: A bill for an act relating to state land; authorizing the

conveyance of certain state lands in Pine county to the Amherst H. Wilder Foundation.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, after line 24, insert:

"*Subd. 5.* [STATE OPTION TO PURCHASE.] *If the property conveyed to the Amherst H. Wilder Foundation pursuant to this section is not used for the purpose of operating a youth conservation camp, the foundation shall offer to the commissioner of natural resources an option to acquire the property at the appraised value as certified pursuant to subdivision 3 or the value as appraised in the manner provided in Minnesota Statutes, Section 94.10, Subdivision 1, at the time the option is offered, whichever value is less.*"

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. 1002: A bill for an act relating to tax forfeited lands; sale of stumpage without bids; amending Minnesota Statutes 1980, Section 282.04, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, strike "dead, down and mature"

Page 2, line 34, strike "green standing,"

Page 2, line 35, strike "dead, down, dying, insect infected or diseased"

Page 2, line 36, delete "*$2,500*" and insert "*$3,000*"

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. 925: A bill for an act relating to the environment; directing regional development commissions to assist certain cities and towns to carry out environmental impact review procedures; reimbursing local governments for certain litigation costs; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 116D.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, after "*town*" insert a comma

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S. F. No. 646: A bill for an act relating to transportation; delaying the effective date of the laws establishing and prescribing the powers and duties of

the transportation regulation board; amending Laws 1980, Chapter 534, Section 87.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Knoll from the Committee on Governmental Operations, to which was re-referred

S. F. No. 227: A bill for an act relating to the organization and operation of government; creating a legislative commission on metropolitan governance; requiring a study of relationships among metropolitan institutions and agencies of government; specifying other duties; mandating a report to the legislature.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 1, after "*Representatives*" insert ", *three members*"

Page 2, line 2, after "*speaker*" insert "*and two members appointed by the leader of the minority caucus,*"

Page 2, line 2, after "*Senate*" insert ", *three members*" and delete "*chairman*" and insert "*majority leader*"

Page 2, line 3, delete "*of the Senate committee on rules and administration*" and insert "*and two members appointed by the leader of the minority caucus*"

Page 2, line 36, before the semicolon, insert "*and the feasibility of legislative approval of the budget and staff complement of the metropolitan council*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Knoll from the Committee on Governmental Operations, to which was referred

S. F. No. 1057: A bill for an act relating to the state fire marshal; deleting references to a dedicated fund and to archaic misdemeanor fines; repealing obsolete statutory requirements pertaining to flammable liquids, fire extinguishers, doors of buildings, and theaters; correcting an erroneous designation of responsibility concerning fire insurance premium returns; setting a penalty; amending Minnesota Statutes 1980, Sections 299F.011, Subdivision 1; 299F.19; 299F.20; 299F.21; 299F.22; 299F.23; 299F.24; 299F.26, Subdivision 1; 299F.29; 299F.31; 299F.36, Subdivision 2; 299F.391, Subdivision 1; and 299F.46, Subdivision 1; repealing Minnesota Statutes 1980, Sections 299F.011, Subdivision 2; 299F.27; 299G.10; 299H.01; 299H.02; and 299H.28, Subdivision 1.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Knoll from the Committee on Governmental Operations, to which was re-referred

S. F. No. 73: A bill for an act relating to economic development; regulating municipal industrial development; prohibiting moral obligation debt; amending Minnesota Statutes 1980, Sections 474.01, Subdivisions 7a, 7b, 8, and by

adding subdivisions; 474.05; 474.06; and 474.08.

Reports the same back with the recommendation that the bill be amended as follows:

Page 5, line 1, delete "*subsidiaries*" and insert "*subsidiary's*"

Page 6, delete section 5 and insert:

"Sec. 5. Minnesota Statutes 1980, Section 474.02, Subdivision 1b, is amended to read:

Subd. 1b. In furtherance of the purpose specified in sections 301A.02 and 474.01, the term "project" shall include any properties, real or personal, ~~located outside the metropolitan area defined in section 473.122,~~ used or useful for the promotion of tourism in the state. Such properties may include hotels, motels, lodges, resorts, recreational facilities of the type which may be acquired under section 471.191, and related facilities. ~~The provisions of this subdivision shall not apply to municipalities located in whole or in part in the metropolitan area as defined in section 473.122.~~"

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "permitting certain industrial development projects within the metropolitan area;"

Page 1, line 5, after "adding" insert "a"

Page 1, line 6, delete "subdivisions" and insert "subdivision; 474.02, Subdivision 1b"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Knoll from the Committee on Governmental Operations, to which was referred

S. F. No. 793: A bill for an act relating to courts; increasing the salary of court reporters; amending Minnesota Statutes 1980, Section 486.05, Subdivision 1.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 464: A bill for an act relating to commerce; providing for a lien on all personal property stored at certain storage facilities; defining terms; establishing a procedure for the enforcement of the liens; proposing new law coded in Minnesota Statutes, Chapter 514.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [514.95] [CITATION.]

Sections 1 to 7 shall be known as and may be cited as the "Minnesota self-service storage facility act".

Sec. 2. [514.951] [DEFINITIONS.]

Subdivision 1. [TERMS.] *For the purposes of sections 1 to 7, and unless the context clearly requires otherwise, the terms defined in this section have the meanings given them.*

Subd. 2. [DEFAULT.] *"Default" means the failure to timely perform any obligation or duty set forth in sections 1 to 7 or the rental agreement.*

Subd. 3. [LAST KNOWN ADDRESS.] *"Last known address" means that address provided by the occupant in the lease or rental agreement or the address provided by the occupant in a subsequent written notice of a change of address.*

Subd. 4. [LEASED SPACE.] *"Leased space" means the individual storage space at the self-service storage facility which is leased or rented to an occupant pursuant to a rental agreement.*

Subd. 5. [OCCUPANT.] *"Occupant" means a person, his sublessee, successor or assign, entitled to the use of leased space at a self-service storage facility under a rental agreement, to the exclusion of others.*

Subd. 6. [OWNER.] *"Owner" means the owner, operator, lessor, or sublessor of a self-service storage facility, his agent or any person authorized by him to manage the facility, or to receive rent from an occupant under a rental agreement. The term "owner" shall not be construed to be a warehouseman as defined in section 336.7-102, clause (1) (h); provided, however, if an owner issues any warehouse receipt, bill of lading, or other document of title for the personal property stored, the owner and occupant shall be subject to the provisions of sections 336.7-101 to 336.7-509 and the provisions of sections 1 to 7 shall not apply.*

Subd. 7. [PERSONAL PROPERTY.] *"Personal property" means movable property not affixed to land and includes, but is not limited to, goods, wares, merchandise, and household items.*

Subd. 8. [RENTAL AGREEMENT.] *"Rental agreement" means a written agreement or lease that establishes or modifies the terms, conditions, rules, or any other provisions concerning the use and occupancy of a self-service storage facility. It shall include the following provisions:*

(a) A description of the dimension and location of the storage area rented.

(b) The rental rate and period for which the rate is guaranteed.

(c) An initial description of the stored property.

(d) A statement of the amount, nature, and limits of the owner's responsibility in the event of damage, theft, loss, or misdelivery of the occupant's property and the amount of insurance coverage provided by the rental agreement. The statement shall be on the face of the rental agreement in bold face print and in distinctive style and color as compared to the other print.

(e) A statement that if the rent is more than 30 days in arrears:

(1) That a lien becomes attached to the stored property.

(2) That the occupant may be denied access to his property.

(3) That the owner may remove the property from the rented storage area to other suitable space.

(4) That the owner may sell as much of the property as is necessary to cure the default and retain the remainder under the original conditions of the rental agreement.

(5) That the occupant shall have a defense to any lien rights of the owner of the storage facility:

(i) If the rental rate is in excess of the agreed rate.

(ii) If the services provided under the rental agreement have been diminished, decreased, or modified without the written consent of the occupant.

(iii) If the inventory as required by section 4, subdivision 2, clause (d), item (3) differs from the contents of the storage facility and the occupant has notified the owner of that fact by registered or certified mail within ten days of receipt of the notice set out in section 4, subdivision 2, clause (b).

(6) That in the event the owner exercises his right of sale, the occupant may remove the balance of the stored property without additional rental expenses or costs, if the removal is accomplished within three calendar days after the sale.

(f) That the owner may release any and all rental agreement information, inventory, or descriptions of stored property to any law enforcement officer without notice to the occupant.

(g) That the owner shall, within 30 days after default of payment of rent, notify the owner of the default, state the payment necessary to cure the default, and restate the information set forth in paragraph (e).

Subd. 9. [SELF-SERVICE STORAGE FACILITY.] *"Self-service storage facility" means any real property designed and used for the purpose of renting or leasing individual storage spaces to occupants who are to have access to the space for the purpose of storing and removing personal property. The facility shall not be a suitable place of storage within the meaning of section 566.17.*

Sec. 3. [514.952] [LIEN ESTABLISHED.]

The owner of a self-service storage facility and his heirs, executors, administrators, successors, and assigns, have a lien upon all personal property located at a self-service storage facility for rent, labor, or other charges, present or future, in relation to the personal property and for expenses necessary for its preservation and expenses reasonably incurred in its sale pursuant to sections 1 to 7. The lien attaches as of the date the personal property is placed in the leased space and continues so long as the owner retains possession and until the default is corrected, or a sale is conducted to satisfy the lien. The lien provided for in this section is subordinate to any other perfected security interest.

Sec. 4. [514.953] [ENFORCEMENT OF LIEN.]

Subdivision 1. [CONDITIONS.] *No enforcement action shall be taken by the owner unless the requirements of sections 1 to 4 have been met and until the occupant has been in default continuously for a period of 30 days.*

Subd. 2. [RIGHT OF ENFORCEMENT.] *After the occupant has been in default continuously for a period of 30 days, the owner shall have the right to enforce the owner's lien in accordance with the following if he notifies the occupant within 30 days after the expiration of the 30 day period as provided in*

section 2, subdivision 8.

(a) The owner shall have the right to deny the occupant access to the leased space and the owner may enter and remove the personal property from the leased space to other suitable storage space pending its sale;

(b) The occupant and all other persons known to claim an interest in the personal property shall be notified in writing;

(c) The notice shall be delivered in person or sent by registered or certified mail return receipt requested to the last known address of all persons to be notified;

(d) The notice shall include:

(1) An itemized statement of the owner's claim showing the sum due at the time of the notice and the date when the sum became due;

(2) A demand for payment of the sum due within a specified time not less than 30 days after the date of the notice;

(3) An inventory of the personal property located in the occupant's leased space and a statement that the contents of the occupant's leased space are subject to the owner's lien;

(4) If the owner elects to deny the occupant access to the leased space or elects to enter and remove the occupant's personal property from the leased space to other suitable storage space, a statement so advising the occupant shall be included in the notice;

(5) The name, street address, and telephone number of the owner or his designated agent whom the notified party may contact to respond to the notice; and

(6) A conspicuous statement that unless the claim is paid within the time stated, the personal property will be advertised for sale at a specified time and place, not sooner than 60 days after default;

(e) Any notice made pursuant to this section shall be presumed delivered when it is deposited with the United States Postal Service and properly addressed with postage prepaid;

(f) Any sale of the personal property shall conform to the terms of the notification as provided for in this section. If the personal property is advertised for sale and the sale is not consummated, the owner shall give written notice to the occupant and all other persons known to claim an interest in the personal property;

(g) Any sale of the personal property shall be held at the self-service storage facility or at the nearest suitable place where the personal property is held or stored;

(h) After the expiration of the time stated in the notice, the owner shall cause an advertisement of sale to be published, two times preceding the date of sale of the personal property, in a newspaper of general circulation which serves the area where the self-service storage facility is located. The advertisement shall include:

(1) A description of the personal property which was located in the occu-

pant's leased space and a statement that the contents of the occupant's leased space shall be sold to satisfy the owner's lien;

(2) The address of the self-service storage facility and the number or other description, if any, of the space where the personal property was located and the name of the occupant;

(3) The time, place, and manner of sale. The sale shall take place not sooner than ten days after the first publication. If there is no newspaper of general circulation in the area where the self-service storage facility is located, the owner shall post written advertisements containing all of the required information at least ten days before the date of the sale at the self-service storage facility, and at least one notice shall be posted in a conspicuous place at the courthouse of the county where the facility is located;

(i) Before any sale of personal property pursuant to this section, the occupant may pay the amount necessary to satisfy the owner's lien and the reasonable expenses incurred under this section and thereby redeem the personal property. Upon the payment and satisfaction of the amount necessary to satisfy the lien, the owner shall return the personal property to the occupant and thereafter the owner shall have no liability to any person with respect to the personal property;

(j) The owner may buy at any sale of personal property to enforce the owner's lien;

(k) A purchaser in good faith of the personal property sold to satisfy the owner's lien takes the property free of any rights of persons against whom the lien was valid, despite noncompliance by the owner with the requirements of this section;

(l) The owner may sell only as much of the occupant's personal property as is necessary to satisfy the lien and costs of sale up to the time of the sale and the remainder of the occupant's property shall remain stored in the leased space subject to all of the terms of this act; and

(m) In the event of a sale under this section, the owner may satisfy his lien from the proceeds of the sale, but shall hold the balance, if any, for delivery on demand to the occupant. If the occupant does not claim the balance of the proceeds within one year of the date of the sale, the balance shall be deemed to be abandoned, and the owner shall pay the balance to the treasurer of the State of Minnesota who shall receive, hold, and dispose of same in accordance with the provisions of Minnesota Statutes, Sections 345.31 to 345.60.

Sec. 5. [514.954] [ADDITIONAL LIENS.]

Nothing in sections 1 to 7 shall be construed as in any manner impairing or affecting the right of the parties to create additional rights, duties, and obligations in and by virtue of the rental agreement. The rights provided by sections 1 to 7 are in addition to all other rights allowed by law to a creditor against his debtor.

Sec. 6. [514.955] [APPLICATION.]

The provisions of sections 1 to 7 apply to all rental agreements entered into or extended or renewed after the effective date of sections 1 to 7.

Sec. 7. [514.956] [PRE-EXISTING AGREEMENTS.]

All rental agreements entered into before the effective date of sections 1 to 7 and not extended or renewed after that date, and the rights and duties and interests flowing from them shall remain valid, and shall be enforced or terminated in accordance with their terms or as permitted by any other statute or law of this state.''

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government and Urban Affairs, to which was referred

S. F. No. 76: A bill for an act relating to cities; increasing the amount of obligations that may be issued for television systems; validating prior issuances; amending Minnesota Statutes 1980, Section 465.70.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, before ''TELEVISION'' insert ''*CABLE*'' and strike ''SIGNAL DISTRIBUTION''

Page 1, line 10, strike ''; HOME RULE''

Page 1, line 11, strike everything before the period

Page 1, line 12, strike ''of the''

Page 1, strike line 13

Page 1, line 14, strike ''a city of the first class''

Page 1, line 16, after ''may'' insert ''*wholly or partially do the following:*''

Page 1, line 17, strike ''and'' and insert ''*or*''

Page 1, line 18, after ''system'' insert ''*or interest therein*''

Page 2, line 9, strike ''the'' and insert ''*a*'' and after ''system'' insert ''*and may issue revenue obligations without limitation for acquisition or betterment of all or part of a system or interest therein*''

Amend the title as follows:

Page 1, line 2, after the semicolon, insert ''enlarging the class of cities that may maintain cable television systems; clarifying the description of a system;''

Page 1, line 4, before ''validating'' insert ''providing for revenue obligations;''

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government and Urban Affairs, to which was referred

S. F. No. 373: A bill for an act relating to the city of Duluth; authorizing the fire chief to issue variances from the provisions of the state fire code under certain circumstances.

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 1980, Section 299F.011, Subdivision 5, is amended to read:

Subd. 5. Upon application, the state fire marshal may grant variances from the minimum requirements specified in the code if there is substantial compliance with the provisions of the code, the safety of the public and occupants of such building will not be jeopardized, and undue hardship will result to the applicant unless such variance is granted. No appeal to the state fire marshal for a variance from the uniform fire code shall be accepted until the applicant has first made application to the local governing body and the local unit has acted on the application. The state fire marshal shall consider the decision of the local governing body *and shall grant or deny the variance no later than 30 days after receipt of the application or the decision of the local governing body shall be determined final.* Any person aggrieved by a decision made by the fire marshal under this subdivision may proceed before the fire marshal as with a contested case in accordance with the administrative procedure act.

Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Amend the title as follows:

Page 1, line 2, delete everything after "to"

Page 1, line 3, delete "chief to issue" and insert "public safety; requiring the state fire marshal to grant or deny"

Page 1, line 4, delete "under certain circumstances" and insert "within 30 days; amending Minnesota Statutes 1980, Section 299F.011, Subdivision 5"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government and Urban Affairs, to which was referred

S. F. No. 1186: A bill for an act relating to the city of Rochester; permitting the imposition of certain taxes within the city; permitting the issuance of certain bonds by the city.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 15, before the period, insert "*except as provided by section 7*"

Page 2, lines 2, 11, and 21, before the period, insert "*except as provided by section 7*"

Page 3, after line 6, insert:

"Sec. 7. [BALLOT QUESTION; USE OF TAXES.]

The ballot question for the issuance of the general obligation bonds provided by section 6 shall include a recitation that the city intends to use the taxes authorized by sections 1 to 4 as partial payment for the bonds. The city of Rochester shall not impose any of the taxes provided by sections 1 to 4 unless the voters of the city approve the issuance of the general obligation bonds. The

proceeds of any taxes imposed pursuant to sections 1 to 4 shall be used only for the purpose of retiring the principal and interest due on any bonds issued pursuant to section 6."

Page 3, line 10, after the period, insert "*The authority granted to the city of Rochester by sections 1 to 4 is repealed the day after the principal and interest on any bonds issued pursuant to section 6 are retired.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "requiring a referendum;"

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 659: A bill for an act relating to financial institutions; providing a usury exemption on open end credit extended in the use of bank credit cards; detailing certain notice requirements; regulating the charges for certain types of insurance issued in connection with the extension of such credit; amending Minnesota Statutes 1980, Section 48.185, Subdivisions 3 and 4, and by adding a subdivision; repealing Minnesota Statutes 1980, Section 48.185, Subdivision 4a.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 10, delete "*A*" and insert "*New charges*"

Page 2, line 11, delete "*use of a bank credit card*"

Page 2, line 11, delete "*the first full*" and insert "*a*"

Page 2, line 15, delete "*15*" and insert "*30*"

Page 2, line 16, after "*that*" insert "*a new charge*"

Page 2, line 17, delete "*use of the card*"

Page 2, line 17, delete "*the next*" and insert "*a subsequent*"

Page 3, after line 6, insert:

"Sec. 4. Minnesota Statutes 1980, Section 51A.21, Subdivision 19, is amended to read:

Subd. 19. [OPEN END LOAN ACCOUNT ARRANGEMENTS.] A savings association or savings and loan association subject to the provisions of sections 51A.01 to 51A.57, and a savings and loan association chartered under the laws of the United States, and a wholly owned subsidiary of such a financial institution, may extend credit through an open end loan account arrangement with a debtor, pursuant to which the debtor may obtain loans from time to time by cash advances, purchases or satisfaction of the obligations of the debtor incurred pursuant to a credit card or other open end loan account plan, or otherwise under a credit card or overdraft plan, pursuant and subject to the provisions of section 48.185, subdivisions 3, *3a*, 4, 4a, 5, 6 and 7, that are applicable to banks, national banking associations, and savings banks. The extension of credit pursuant to this subdivision may be unsecured or may be

secured in whole or in part by an assignment or pledge of a savings account or savings certificate."

Page 3, line 11, delete "4" and insert "5"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, delete "Section" and insert "Sections"

Page 1, line 9, after the semicolon, insert "51A.21, Subdivision 19;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 308: A bill for an act relating to financial institutions; providing for maximum interest rates on overdraft checking loans; amending Minnesota Statutes 1980, Section 48.185, Subdivision 3.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 642: A bill for an act relating to financial institutions; authorizing establishment of detached facilities resulting from mergers and consolidations; amending Minnesota Statutes 1980, Sections 49.34; 49.36; and 49.45.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

H. F. No. 574: A bill for an act relating to intoxicating liquor; authorizing the issuance of one off-sale license in the town of Tofte.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 846: A bill for an act relating to financial institutions; increasing the percentage of capital and surplus a bank or trust company may invest in the stock of certain banks or bank holding companies; amending Minnesota Statutes 1980, Section 48.61, Subdivision 3.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 460: A bill for an act relating to intoxicating liquor; authorizing the use of wine catalogs by off-sale dealers; amending Minnesota Statutes 1980, Section 340.15, Subdivision 1.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S. F. No. 960: A bill for an act relating to transportation; authorizing road authorities to designate ten-ton collector routes; prescribing maximum vehicle weights on those routes; proposing new law coded in Minnesota Statutes, Chapter 169.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 9, delete "TEN" and insert "NINE"

Page 1, line 13, delete "*ten*" and insert "*20*"

Page 1, line 14, delete "*ten*" and insert "*nine*"

Page 1, line 17, delete "*ten*" and insert "*nine*"

Page 1, line 25, delete "*ten*" and insert "*nine*"

Page 2, line 1, delete "*ten*" and insert "*nine*"

Page 2, line 4, after "*reduced*" insert "*or increased*"

Page 2, line 5, delete "*ten*" and insert "*nine*"

Page 2, after line 6, insert:

"*This section shall be repealed January 1, 1984.*"

Amend the title as follows:

Page 1, line 3, delete "ten" and insert "nine"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 1147: A bill for an act relating to public welfare; providing medical assistance payments for attendant care on an equivalent basis with other providers; appropriating money; amending Minnesota Statutes 1980, Section 256B.02, Subdivision 8.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 4, delete "*with*" and insert "*to*" and delete " *service providers*" and insert "*services*"

Page 3, line 5, after the period, insert "*The commissioner shall adjust the payment rate each July in an amount equal to the average increase in rates for other providers.*"

Page 3, line 9, delete "*so that the*"

Page 3, delete line 10

Page 3, line 11, delete "*fiscal years 1979, 1980, and 1981*"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 800: A bill for an act relating to health; extending the nursing home dental program; appropriating money; amending Laws 1980, Chapter 570, Sections 6 and 10.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete section 1

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "Sections 6 and" and insert "Section"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Knoll from the Committee on Governmental Operations, to which was referred

S. F. No. 1172: A bill for an act relating to state government; changing the name of the department of public welfare to the department of social services; amending Minnesota Statutes 1980, Section 245.03.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Knoll from the Committee on Governmental Operations, to which was referred

S. F. No. 1056: A bill for an act relating to the state civil service; providing for the apportionment of veteran's preference points; amending Minnesota Statutes 1980, Section 43.30.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 937: A bill for an act relating to insurance; prohibiting the issuance or renewal of certain health policies or plans which exclude or limit coverage on DES related conditions; proposing new law coded in Minnesota Statutes, Chapter 62A.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 17, delete "*January*" and insert "*August*"

Page 1, line 18, after "*reduction,*" insert "*additional charges,*"

Page 1, line 22, after "*diethylstilbestrol*" insert ", *unless the insured has been diagnosed as having diethylstilbestrol-related cancer prior to the date of issuance.*"

Page 1, after line 22, insert:

"*No policy or plan described in this section shall be denied in this state after August 1, 1981, solely because of conditions attributable to diethylstilbestrol or exposure to diethylstilbestrol, unless the insured has been diagnosed as having diethylstilbestrol-related cancer prior to the date of the denial.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 758: A bill for an act relating to the city of Duluth; authorizing the city to continue to issue the number of liquor licenses it was authorized to issue in the year 1980.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 694: A bill for an act relating to commerce; regulating the manufacture, importation, distribution, sale, leasing and alteration of manufactured homes; conforming state regulatory practices and the state manufactured home building code to federal law; providing for enforcement of the code; prohibiting certain practices; providing civil and criminal penalties; amending Minnesota Statutes 1980, Sections 327.31; 327.32; 327.33; and 327.34, Subdivisions 1, 3, and 4, and by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 327; repealing Minnesota Statutes 1980, Section 327.34, Subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 23, strike "includes" and insert "*means*"

Page 3, line 4, reinstate "any"

Page 3, line 5, delete "*any structural system*" and insert " *foundation system or other structural method*"

Page 3, line 9, strike "device"

Page 3, line 9, delete "*or combination of devices*"

Page 3, line 9 strike "connected to a"

Page 3, line 10, delete "*manufactured*" and strike "home and designed"

Page 3, line 10, before "for" insert "*method used*"

Page 3, line 11, after "to" insert "*a foundation system or*"

Page 3, line 17, before the period, insert "*, except manufactured homes installed on a foundation system*"

Page 3, line 19, after "commissioner" insert "*to a manufactured home installer*"

Page 4, line 13, after "*a*" insert "*factory built*"

Page 4, after line 16, insert:

"*Subd. 20.* [FOUNDATION SYSTEM.] *"Foundation system" means a permanent foundation constructed in conformance with the state building code.*"

Page 5, line 18, strike "may" and insert "*shall*"

Page 6, line 5, before "standards" insert "*installation*"

Page 6, line 6, after the period, insert "*Nothing in this section shall be construed to inhibit the application of zoning, subdivision, architectural, or esthetic requirements pursuant to chapter 462.*"

Page 7, line 28, delete "*the*" and insert "*states*"

Page 7, line 29, delete "*states*"

Page 11, line 10, after "*or*" insert "*a*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Stumpf from the Committee on Elections and Reapportionment, to which was referred

S. F. No. 1125: A bill for an act relating to elections; authorizing use of electronic voting systems for absentee voting; imposing rule-making duties on the secretary of state; proposing new law coded in Minnesota Statutes, Chapter 207.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 9, delete everything after "1."

Page 1, line 10, delete "*Subdivision 1.*"

Page 1, line 10, before "ELECTRONIC" insert "CITIES OF BLOOMINGTON AND ST. LOUIS PARK;"

Page 1, line 12, after "*206*" insert a comma

Page 1, line 12, after "*used*" insert "*by the cities of Bloomington and St. Louis Park*"

Page 1, line 13, delete "*this section*" and insert "*sections 1 to 5*"

Page 1, line 14, delete "*this section*" and insert "*sections 1 to 5*"

Page 1, line 17, delete "*Subd. 2.*" and insert "Sec. 2."

Page 1, line 18, after "*voting*" insert "*by the cities of Bloomington and St. Louis Park*"

Page 1, line 21, delete "*Subd. 3.*" and insert "Sec. 3."

Page 2, line 1, delete "*Subd. 4.*" and insert "Sec. 4."

Page 2, line 4, after "*any*" insert "*damage to the card or any*"

Page 2, line 5, after "*ballot card*" insert "*is damaged or*"

Page 2, line 7, delete "*duplicate*" and insert "*original*"

Page 2, line 8, after "*clerk*" insert "*with the spoiled ballots*"

Page 2, line 9, delete "*Subd. 5.*" and insert "Sec. 5."

Page 2, line 9, delete "*The procedure*"

Page 2, delete lines 10 to 15 and insert "*The secretary of state may adopt temporary rules as provided in chapter 15 for the purpose of specifying forms and procedures required by sections 1 to 4.*"

Page 2, line 16, delete "2" and insert "6"

Page 2, line 17, after "*effective*" insert "*for each city*"

Page 2, line 17, delete "*final enactment*" and insert " *compliance by the governing body of each city with Minnesota Statutes, Section 645.021, Subdivision 3. The authority granted to the cities of Bloomington and St. Louis Park by sections 1 to 4 is repealed on December 31, 1982.*"

Amend the title as follows:

Page 1, line 2, delete "elections" and insert "the cities of Bloomington and St. Louis Park"

Page 1, line 4, delete the semicolon

Page 1, delete line 5

Page 1, line 6, delete "207"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 1094: A bill for an act relating to courts; providing for certain reorganization of the court system in the state; providing that Hennepin and Ramsey municipal courts shall also be probate courts; abolishing the office of referee; providing for continuance of certain referee positions for a limited time; providing for continuance of certain judicial officer positions for a limited time; abolishing the office of court commissioner; providing for continuance of the Ramsey county court commissioner position for a limited time; amending Minnesota Statutes 1980, Sections 2.722, Subdivision 1, and by adding a subdivision; 260.021, Subdivision 4; 260.031, Subdivision 1, and by adding a subdivision; 484.70, Subdivision 1, and by adding subdivisions; 487.08, Subdivisions 2, 3, and by adding a subdivision; 488A.01, Subdivisions 1, 8, and by adding subdivisions; 488A.18, Subdivisions 1, 9, and by adding subdivisions; 489.01; 525.10; repealing Minnesota Statutes 1980, Sections 260.019; 484.64; 484.65; 484.67; 484.70, Subdivisions 2, 3, 4 and 5; 487.08, Subdivision 4; 487.09; 488A.01, Subdivision 7; 488A.18, Subdivision 8; 489.05; and 525.04.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 9, delete "*20*" and insert "*25*"

Page 2, line 31, strike "six" and insert "*11*"

Page 2, line 32, strike "such"

Page 2, line 33, strike "as may be"

Pages 2 to 11, delete sections 2 to 19 and insert:

"Sec. 2. Minnesota Statutes 1980, Section 2.722, is amended by adding a subdivision to read:

Subd. 3. [HENNEPIN AND RAMSEY PROBATE JUDGES; COURTS.] *The probate judges of Ramsey and Hennepin probate courts in office on August 1, 1981, shall be district court judges of the second and fourth judicial dis-*

tricts, respectively, and shall continue in office for the balance of the term for which they were elected and shall be eligible for reelection. The offices of probate court of Hennepin and Ramsey counties, and all of their jurisdiction, records, powers, duties, functions, and personnel, are hereby transferred to the district courts of the second and fourth judicial districts respectively and made divisions of them. The chief judge of the fourth judicial district shall at all times assign at least two judges to the probate court duties.

Sec. 3. Minnesota Statutes 1980, Section 260.031, Subdivision 1, is amended to read:

Subdivision 1. The ~~judge of the juvenile court may appoint one or more suitable persons to act as referees~~ *office of referee is abolished. No vacancy in the office of referee shall be filled, nor new office created. Persons holding the office of referee on June 30, 1980, in the second and June 30, 1977, in the fourth judicial district may continue to serve at the pleasure of the chief judge of the district under the terms and conditions of their appointment. All referees are subject to the administrative authority and assignment power of the chief judge of the district as provided in section 484.69, subdivision 3, and are not limited to assignment to juvenile court.* ~~These~~ Referees shall be qualified for their duties by their previous training and experience and ~~shall~~ hold office at the pleasure of the judge. The compensation of a referee shall be fixed by the judge ~~and~~ , approved by the county board and ~~shall be~~ payable from the general revenue funds of the county not otherwise appropriated. *Part time referees holding office in the second judicial district pursuant to this subdivision shall cease to hold office on July 31, 1984.*

Sec. 4. Minnesota Statutes 1980, Section 484.70, Subdivision 1, is amended to read:

Subdivision 1. *The office of referee is abolished. No vacancy in the office of referee, including family, juvenile, probate, and special term referees, shall be filled, nor new office created.* Persons holding the office of referee ~~full time~~ on June 30, ~~1977~~ *1980*, in the second~~,~~ *and June 30, 1978, in the* fourth ~~and sixth~~ judicial ~~districts~~ *district* may continue to serve at the pleasure of the chief judge of the district under the terms and conditions of their appointment. All referees are subject to the administrative authority and assignment power of the chief judge of the district as provided in section 484.69, subdivision 3, and are not limited to assignment to family ~~or~~, *probate*, juvenile *or special term* court. *Part time referees holding office in the second judicial district pursuant to this subdivision shall cease to hold office on July 31, 1984.*

Sec. 5. Minnesota Statutes 1980, Section 484.70, is amended by adding a subdivision to read:

Subd. 6. No referee may hear a contested trial, hearing, motion or petition if a party or attorney for a party objects in writing to the assignment of a referee to hear the matter. The court shall by rule, specify the time within which an objection must be filed.

Sec. 6. Minnesota Statutes 1980, Section 484.70, is amended by adding a subdivision to read:

Subd. 7. The duties and powers of referees shall be as follows:

(a) Hear and report all matters assigned by the chief judge.

(b) Recommend findings of fact, conclusions of law, temporary and interim orders, and final orders for judgment.

(c) All recommended orders and findings of a referee shall be subject to confirmation by a judge. Review of any recommended order or finding of a referee by a judge may be by notice served and filed within ten days of effective notice of the recommended order or finding. The notice of review shall specify the grounds for review and the specific provisions of the recommended findings or orders disputed, and the court, upon receipt of a notice of review, shall set a time and place for a review hearing.

(d) Upon the conclusion of the hearing in each case, the referee shall transmit to a judge the court file together with recommended findings and orders in writing. The recommended findings and orders of a referee become the findings and orders of the court when confirmed by a judge. The order of the court shall be proof of such confirmation, and also of the fact that the matter was duly referred to the referees.

Sec. 7. Minnesota Statutes 1980, Section 487.03, is amended by adding a subdivision to read:

Subd. 6. [JUDGE POSITIONS; CREATION; ABOLITION.] *Notwithstanding the provisions of sections 2.722 and 487.01:*

(a) Upon the occurrence of one vacancy in the office of county court judge in the county court district comprised of Lincoln, Lyon, and Redwood counties, that vacant judgeship is abolished.

Upon the occurrence of one vacancy in the office of county court judge in the county court district comprised of Pipestone, Murray, Rock, and Nobles counties, that vacant judgeship is abolished.

Upon the occurrence of one vacancy in the office of county court judge in the county court district comprised of Jackson, Martin, and Faribault counties, that vacant judgeship is abolished.

Upon the occurrence of one vacancy in the office of county court judge in the county court district comprised of Nicollet, Brown, Cottonwood, and Watonwan counties, that vacant judgeship is abolished.

Upon the occurrence of the first two vacancies in the office of county court judge in the county court district comprised of Wilkin, Traverse, Grant, Stevens, Pope, and Big Stone counties, those vacant judgeships are abolished.

Upon the occurrence of the first two vacancies in the office of county court judge in the county court district comprised of Lac Qui Parle, Yellow Medicine, Chippewa, and Renville counties, those vacant judgeships are abolished.

Upon the occurrence of the first two vacancies in the office of county court judge in the county court district comprised of Kittson, Roseau, Marshall, Polk, Pennington, Red Lake, Norman, and Mahnomen counties those vacant judgeships are abolished.

Upon the occurrence of one vacancy in the office of county court judge in the counties of Crow Wing, Waseca, and Mower, each vacant judgeship is abolished.

(b) Upon the occurrence of a vacancy in the office of county court judge in

Hubbard county, the vacant judgeship is abolished and a new office of county court judge is created in Itasca county. The governor shall appoint a qualified person to fill the office until a successor is elected and qualified. The successor shall be elected for a six year term at the next general election occurring more than one year after the appointment; and

(c) Upon the occurrence of the first vacancy in the office of county court judge in each of the counties of Carver and Scott, the vacant judgeship is abolished. When each judgeship is abolished under this clause, an additional office of judge of district court is created in the first judicial district. The governor shall appoint a qualified person to fill each office until a successor is elected and qualified. The successor shall be elected for a six year term at the next general election occurring more than one year after the appointment.

Sec. 8. Minnesota Statutes 1980, Section 487.08, Subdivision 2, is amended to read:

Subd. 2. Persons holding the office of judicial officer full time or part time on January 1, ~~1978~~ *1981*, in St. Louis county ~~and full time on January 1, 1978,~~ ~~in~~ Steele county *and Carlton county* may continue to serve at the pleasure of the chief judge of the district under the terms and conditions of their appointment. ~~One full time judicial officer may be appointed in Carlton county.~~

Sec. 9. Minnesota Statutes 1980, Section 487.08, Subdivision 3, is amended to read:

Subd. 3. The persons holding the office of judicial officer in Nobles and Rock, Brown, Nicollet, Morrison, Goodhue~~,~~ *and* Wabasha, Scott, and Polk counties on January 1, 1978, may continue to serve at the pleasure of the chief judge of the district under the terms and conditions of their appointments.

Sec. 10. Minnesota Statutes 1980, Section 487.15, is amended to read:

487.15 [CIVIL JURISDICTION.]

The county court may hear, try, and determine actions at law in which the amount in controversy does not exceed ~~the sum of $5,000~~ *$15,000*, exclusive of interest and costs, except for causes involving title to real estate.

Sec. 11. Minnesota Statutes 1980, Section 487.16, is amended to read:

487.16 [MINOR CIVIL AND CRIMINAL JURISDICTION.]

The county court shall also have jurisdiction in all civil and criminal cases residing, on the effective date of Laws 1971, Chapter 951 and Laws 1973, Chapter 679, in municipal courts other than municipal courts in Hennepin and Ramsey Counties~~, except that notwithstanding any law to the contrary, no county court shall have gross misdemeanor jurisdiction~~. *The county court shall have gross misdemeanor jurisdiction.*

Sec. 12. Minnesota Statutes 1980, Section 487.18, is amended to read:

487.18 [CRIMINAL JURISDICTION.]

(a) The county court has jurisdiction to hear, try and determine any charge of violation of

~~(1)~~ a criminal law of this state constituting a misdemeanor *or gross misdemeanor* committed within the county court district~~;~~ *and* of

~~(2)~~ any ordinance, charter provision, rule or regulation of any subdivision of government in the county court district.

(b) The county court has jurisdiction to conduct preliminary hearings and to exercise all judicial powers incident to preliminary hearing proceedings on the charge of violation of any criminal law committed within the county court district.

(c) The county court has jurisdiction to hear, try and determine any matter constituting a petty misdemeanor.

Sec. 13. Minnesota Statutes 1980, Section 487.25, Subdivision 10, is amended to read:

Subd. 10. [PROSECUTING ATTORNEYS.] Violations of state law which are misdemeanors *or gross misdemeanors*, or of a municipal ordinance, charter provision, rule or regulation shall be prosecuted by the attorney of the municipality where the violation is alleged to have occurred if that municipality has an attorney. All other offenses shall be prosecuted by the county attorney of the county in which the alleged violation occurred.

Sec. 14. Minnesota Statutes 1980, Section 488A.01, Subdivision 4, is amended to read:

Subd. 4. [CIVIL JURISDICTION.] Excepting causes involving title to real estate, the court has jurisdiction to hear, try and determine civil actions at law in which the amount in controversy does not exceed ~~the sum of $6,000~~ *$15,000*, exclusive of interest and costs.

Sec. 15. Minnesota Statutes 1980, Section 488A.01, Subdivision 6, is amended to read:

Subd. 6. [CRIMINAL JURISDICTION.] ~~(a)~~ The court has jurisdiction to hear, try and determine any charge of violation of:

(1) A criminal law of this state constituting a misdemeanor *or gross misdemeanor* committed within the county of Hennepin including all of the city of St. Anthony.

(2) Any ordinance, charter provision, rule or regulation of any subdivision of government in the county of Hennepin, including all of the city of St. Anthony or

(3) Any ordinance, charter provision, rule or regulation of the Minneapolis-St. Paul Metropolitan Airports Commission.

~~(b) The court has jurisdiction to conduct preliminary hearings and to exercise all judicial powers incident to preliminary hearing proceedings, on any charge of violation of any criminal law of this state committed within the county of Hennepin.~~

Sec. 16. Minnesota Statutes 1980, Section 488A.01, Subdivision 8, is amended to read:

Subd. 8. [TERRITORIAL JURISDICTION.] ~~The summons in civil and forcible entry and unlawful detainer actions may be served only within the county of Hennepin except that such summons may be served in Ramsey county on state officials for non-resident individuals and corporations under statutes providing for such service. Garnishment summons, subpoenas and~~ All

~~other~~ civil and criminal process and orders may be served and enforced anywhere within the state of Minnesota.

Sec. 17. Minnesota Statutes 1980, Section 488A.18, Subdivision 4, is amended to read:

Subd. 4. [CIVIL JURISDICTION.] (a) Excepting cases involving title to real estate, the court has jurisdiction to hear, try and determine civil actions at law in which the amount in controversy does not exceed ~~the sum of $6,000~~ *$15,000*, exclusive of interest and costs. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Ramsey.

(b) The court also has jurisdiction, within the limitations provided in this subdivision, to hear, try and determine civil actions commenced by a plaintiff, resident of Ramsey county, where the action arose out of alleged negligent operation of a motor vehicle in Ramsey county, notwithstanding that the defendant or defendants are not residents of the county. Notwithstanding any law or rule of civil procedure to the contrary, the summons in ~~any such~~ *the* action may be served anywhere within the state of Minnesota.

(c) Notwithstanding the provisions of clause (a) or any rule of court to the contrary, the municipal 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 within the state of Minnesota.

Sec. 18. Minnesota Statutes 1980, Section 488A.18, Subdivision 7, is amended to read:

Subd. 7. [CRIMINAL JURISDICTION.] ~~(a)~~ The court has jurisdiction to hear, try and determine any charge of violation within Ramsey county of:

(1) A criminal law of this state constituting a misdemeanor *or gross misdemeanor* and any offense of this state which constitutes a petty misdemeanor,

(2) Any ordinance, charter provision, rule or regulation of any subdivision of government in the county of Ramsey, or

(3) Any ordinance, charter provision, rule or regulation of the Minneapolis-Saint Paul Metropolitan Airports Commission,

(4) Any ordinance, rule or regulation of the regents of the University of Minnesota.

~~(b) The court has jurisdiction to conduct preliminary hearings and to exercise all judicial powers incident to preliminary hearing proceedings, on any charge of violation of any criminal law of this state committed within Ramsey county.~~

~~(c) Jurisdiction under clauses (1) and (2) of paragraph (a) of this subdivision is exclusive for any violation committed within the county of Ramsey; jurisdiction under paragraph (b) of this subdivision is exclusive for any violation committed inside the city of Saint Paul or inside that part of the village of Saint Anthony lying inside Ramsey county.~~

Sec. 19. Minnesota Statutes 1980, Section 488A.18, Subdivision 13, is amended to read:

Subd. 13. [TRIAL OF CRIMINAL ACTIONS.] All charges of misde-

meanors, *gross misdemeanors*, petty misdemeanors and ordinance violations shall be tried in the municipality where the alleged violation occurred~~; however,~~. If there is no court located in ~~such~~ *the* municipality, then the trial of ~~such~~ *the* charges shall take place at the nearest place of holding court. In addition to ~~such~~ *any* daytime arraignments as the court may establish, traffic and criminal arraignments shall be held at least once each week in the evening after 7:00 p.m. if so requested by the governing body of a city in which a court is situated as provided by Laws 1973, Chapter 708 by a resolution filed with the administrator of court.

Sec. 20. Minnesota Statutes 1980, Section 488A.27, Subdivision 11, is amended to read:

Subd. 11. [PROSECUTING ATTORNEYS.] Except where the county attorney is specifically designated by law as the prosecutor for the particular violation charged, the attorney of the municipality in which the violation is alleged to have occurred shall have charge of the prosecution of all violations of statutes, *including gross misdemeanor violations*, ordinances, charter provisions, rules or regulations triable in this court and shall prepare complaints for ~~said~~ *the* violations.

Sec. 21. Minnesota Statutes 1980, Section 488A.18, Subdivision 9, is amended to read:

Subd. 9. [TERRITORIAL JURISDICTION.] ~~The summons in civil and forcible entry and unlawful detainer actions may be served only within the county of Ramsey. Garnishment summons, subpoenas and~~ All ~~other~~ civil and criminal process and orders may be served and enforced anywhere within the state of Minnesota.

Sec. 22. Minnesota Statutes 1980, Section 489.01, is amended to read:

489.01 [ELECTION; TERM; *OFFICE ABOLISHED.*]

Subdivision 1. [OFFICE ABOLISHED.] *The office of court commissioner is abolished. No vacancy in the office of court commissioner shall be filled.*

Subd. 2. [INCUMBENTS.] *Persons holding the office of court commissioner in all counties except Ramsey county may continue to serve until the incumbent's term of office expires. The person holding the office of court commissioner on January 1, 1981, in Ramsey county may continue to serve at the pleasure of the appointing authority under the terms and conditions of this appointment.*

Subd. 3. [COURT COMMISSIONER.] In each county in the state there shall be elected at the general election in 1918 a court commissioner. The term of office of the court commissioner shall be four years ~~and until his successor is elected and qualified,~~ and begin on the first Monday in January next succeeding his election. This office shall be filled by election every four years thereafter. One person may hold at the same time the offices of court commissioner and probate judge.

Sec. 23. Minnesota Statutes 1980, Section 525.10, is amended to read:

525.10 [REFEREE; APPOINTMENT; BOND; *OFFICE ABOLISHED.*]

Subdivision 1. [OFFICE ABOLISHED.] *The office of referee is abolished. No vacancy in the office of referee shall be filled, nor new office created.*

Subd. 2. [INCUMBENTS.] *Persons holding the office of referee on June 30, 1980, in the second and June 30, 1978, in the fourth judicial district may continue to serve at the pleasure of the chief judge of the district under the terms and conditions of their appointment. All referees are subject to the administrative authority and assignment power of the chief judge of the district as provided in section 484.69, subdivision 3, and are not limited to assignment to probate court. All referees are subject to the provisions of section 484.70. Part time referees holding office in the second judicial district pursuant to this subdivision shall cease to hold office on July 31, 1984.*

Subd. 3. [REFEREES.] ~~The judges of the probate court in Hennepin and Ramsey counties may appoint one or more referees~~ *Each referee* in probate ~~who~~ *court* shall be ~~a resident of such county and~~ an attorney at law duly admitted in this state. ~~He shall hold office during the pleasure of the judge appointing him. Such~~ *The* appointment shall be in writing and filed in ~~such~~ *the* court. ~~Before entering upon the duties of his office, he shall execute a bond to the state in the amount of $1,000 approved by the county board and conditioned upon the faithful discharge of his duties. Such bond with the oath of the appointee shall be recorded in the office of the county recorder. The premiums on such bond and the expenses of such recording and filing shall be paid by the county. An action may be maintained on such bond by any person aggrieved by the violation of the conditions thereof.~~ The referee has the power to take acknowledgments and administer oaths.

Sec. 24. [REPEALER.]

Minnesota Statutes 1980, Sections 484.67; 484.70, Subdivisions 2, 3, 4 and 5; 487.08, Subdivision 4; 487.09; 489.05; and 525.04, are repealed.

Sec. 25. [APPROPRIATION.]

The sum of $..... is appropriated for the salaries and fringe benefits of the additional judges appointed pursuant to section 1.

Sec. 26. [EFFECTIVE DATE.]

Section 7 of this act is effective upon final enactment. Sections 11, 12, 13, 15, 18, 19, and 20 are effective January 1, 1982. The remaining sections are effective August 1, 1981."

Amend the title as follows:

Page 1, delete lines 12 to 23 and insert:

"changing the jurisdiction of county courts and county municipal courts; providing for the prosecution of gross misdemeanors by municipalities; creating certain judicial positions; abolishing certain judicial positions by attrition; appropriating money; amending Minnesota Statutes 1980, Sections 2.722, Subdivision 1, and by adding a subdivision; 260.031, Subdivision 1; 484.70, Subdivision 1, and by adding subdivisions; 487.03, by adding a subdivision; 487.08, Subdivisions 2 and 3; 487.15; 487.16; 487.18; 487.25, Subdivision 10; 488A.01, Subdivisions 4, 6, and 8; 488A.18, Subdivisions 4, 7, 9, and 13; 488A.27, Subdivision 11; 489.01; 525.10; repealing Minnesota Statutes 1980, Sections 484.67; 484.70, Subdivisions 2, 3, 4 and 5; 487.08, Subdivision 4; 487.09; 489.05; and 525.04."

And when so amended the bill do pass and be re-referred to the Committee

on Finance. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 657: A bill for an act relating to courts; providing for additional clerk and administrator duties in conciliation court; providing for a procedure to assist in collection of conciliation court judgments; changing certain deadlines; providing penalties; amending Minnesota Statutes 1980, Sections 487.30, by adding a subdivision; 488A.13, Subdivision 2; 488A.14, Subdivisions 4 and 5; 488A.16, Subdivisions 2, 5, 6 and 8; 488A.17, Subdivisions 2 and 3; 488A.30, Subdivision 2; 488A.31, Subdivisions 4 and 5; 488A.33, Subdivisions 2, 5, 7 and 8; 488A.34, Subdivisions 2 and 12.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 15, insert:

"Section 1. Minnesota Statutes 1980, Section 487.30, Subdivision 1, is amended to read:

Subdivision 1. [JURISDICTION.] The conciliation court shall hear and determine civil claims if the amount of money or property which is the subject matter of the claim does not exceed ~~$1,000~~ ~~for~~ *$1,200*. The *hearing and* determination ~~thereof~~ *shall be* without jury trial and by a simple and informal procedure. The rules of the supreme court shall provide for a right of appeal from the decision of the conciliation court to the county court for a trial on the merits. The territorial jurisdiction of a conciliation court shall be coextensive with the county in which the court is established."

Page 1, line 18, after "*4.*" insert "[SATISFACTION OF JUDGMENT.]"

Page 1, line 18, after "*If*" insert "*(1)*"

Page 1, line 19, after the comma, insert "*(2)*"

Page 1, line 20, after "*and*" insert "*(3)*"

Page 2, line 4, delete "*wilfully*" and insert "*intentionally*"

Page 2, after line 6, insert:

"Sec. 3. Minnesota Statutes 1980, 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 ~~$1000~~ *$1,200*. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Hennepin.

(b) Notwithstanding the provisions of clause (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."

Page 2, line 14, delete the second "*the*" and insert "*other*"

Page 2, line 14, strike "as may be"

Page 2, line 29, strike "said" and insert "*the*"

Page 3, line 5, strike "then"

Page 3, lines 7 and 8, strike "; shall" and insert a comma

Page 3, line 10, strike "shall"

Page 4, line 11, strike "thereof" and insert "*of it*"

Page 4, line 12, strike "so"

Page 4, line 15, strike "such"

Page 4, line 15, strike "shall file" and insert "*files*"

Page 4, line 19, strike "and" and insert a period

Page 4, line 20, strike "such"

Page 5, line 32, strike "therefor"

Page 6, line 16, delete "*wilfully*" and insert "*intentionally*"

Page 6, line 22, strike "so"

Page 6, line 22, strike "unless all of the following acts are performed"

Page 6, line 23, after "party" insert "*unless all of the following acts are performed*"

Page 6, line 24, strike "to"

Page 6, line 25, strike "Serve" and insert "*Serving*"

Page 6, line 36, strike "File" and insert "*Filing*"

Page 7, line 8, strike "and" and insert a period

Page 7, line 10, strike "such"

Page 7, line 13, strike "File" and insert "*Filing*"

Page 7, line 16, strike "Pay" and insert "*Paying*"

Page 7, line 17, strike ", plus $5 additional" and insert "*or $7*"

Page 7, line 29, strike "of this section and" and insert a period

Page 7, line 35, strike "such"

Page 7, line 36, strike "then"

Page 8, line 3, strike the second "and" and insert a period

Page 8, line 9, strike "shall"

Page 8, after line 25, insert:

"Sec. 13. Minnesota Statutes 1980, 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 ~~$1000~~ *$1,200*. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Ramsey.

(b) Notwithstanding the provisions of clause (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."

Page 8, line 33, delete the second "*the*" and insert "*other*"

Page 8, line 34, strike "as may be"

Page 9, lines 17 and 18, strike "; shall" and insert a comma

Page 9, line 20, strike "shall"

Page 9, line 34, after "or" insert "*his*"

Page 11, line 4, strike "forthwith"

Page 11, line 34, strike "so"

Page 12, line 1, after "*If*" insert "*(1)*"

Page 12, line 2, after the comma, insert "*(2)*"

Page 12, line 3, after "*and*" insert "*(3)*"

Page 12, line 17, delete "*wilfully*" and insert "*intentionally*"

Page 12, line 34, strike "so"

Page 12, line 34, strike "unless all of the following acts are performed"

Page 12, line 35, after "party" insert "*unless all of the following acts are performed*"

Page 12, line 36, strike "to"

Page 13, line 1, strike "Serve" and insert "*Serving*"

Page 13, line 12, strike "File" and insert "*Filing*"

Page 13, line 20, strike "and" and insert a period

Page 13, line 22, strike "such"

Page 13, line 25, strike "File" and insert "*Filing*"

Page 13, line 29, strike "Pay" and insert "*Paying*"

Page 13, line 30, strike ", plus $6 additional" and insert "*or $12*"

Page 14, line 5, strike ", and" and insert a period

Page 14, line 12, strike "such"

Page 14, line 13, strike "then"

Page 14, line 16, strike the second "and" and insert a period

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "changing the jurisdiction of conciliation courts;"

Page 1, line 7, after "487.30," insert "Subdivision 1, and"

Page 1, line 8, before "488A.13," insert "488A.12, Subdivision 3;"

Page 1, line 10, after "3;" insert "488A.29, Subdivision 3;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 1164: A bill for an act relating to crimes; providing for review of sentences imposed prior to adoption of sentencing guidelines; amending Minnesota Statutes 1980, Section 244.08, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 244.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 and 2, delete section 1

Page 2, line 5, delete "Sec. 2." and insert "Section 1."

Page 2, delete lines 11 to 21 and insert "*shall decide the matter before it as quickly as possible. If the court finds that the amount of time that the petitioner is likely to be incarcerated pursuant to his present sentence is greater than that provided for by the sentencing guidelines and that it would not have departed from the sentencing guidelines had they been applicable at the time that petitioner was originally sentenced, the court shall grant the petition. If the court grants the petition, it shall resentence the petitioner pursuant to the sentencing guidelines retroactive to the date of the original sentence. The petitioner shall thereafter be subject to the law applicable to prison sentences for felonies committed on or after May 1, 1980, relative to supervised release and completion of good time. In any case where the new sentence would require discharge of the petitioner or placement upon supervised release, the petitioner may be held for 14 calendar days for the purpose of processing the release or discharge.*

Subd. 2. [HEARING.] *In considering any petition submitted pursuant to subdivision 1 of this section, the court shall consider its own records, including the presentence investigation report and all documents submitted by the petitioner or his attorney. The attorney for petitioner shall be heard by the court upon request. The presence of the petitioner shall not be required unless ordered by the court.*"

Page 2, line 23, after "*shall*" insert "*not*"

Page 2, after line 25, insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day after final enactment."

Amend the title as follows:

Page 1, delete line 4

Page 1, line 5, delete "Subdivision 1;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 1170: A bill for an act relating to tort claims against the state; clarifying existing law; amending Minnesota Statutes 1980, Sections 3.732, Subdivisions 1, 2, and 3; 3.736, Subdivisions 1, 3, 4, 5, 7, 8, 9, and by adding subdivisions; 3.755; and 3.84.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 17, before "*interference*" insert "*malicious*" in both places where it occurs

Page 2, lines 32 and 34, strike "such"

Page 3, line 27, delete everything after "*provided*"

Page 3, lines 28 to 30, delete the new language

Page 4, line 4, delete "*or by*" and insert "*and in*"

Page 4, line 5, after "regulation" insert ", *rule*"

Page 4, line 18, delete everything after "*fees*"

Page 4, line 19, delete the new language

Page 4, line 23, delete "*solely*"

Page 4, line 25, after "animals" insert "*substantially*"

Page 4, line 25, reinstate the stricken language

Page 4, line 26, delete the new language

Page 5, line 5, reinstate "a"

Page 5, line 6, delete "*an adult*"

Page 5, delete lines 31 to 33.

Page 5, line 34, delete "*(p)*" and insert "*(o)*"

Page 6, line 2, delete "*(q)*" and insert "*(p)*"

Page 6, line 5, delete "*(r)*" and insert "*(q)*"

Page 6, line 11, delete "*(s)*" and insert "*(r)*"

Page 6, line 17, delete "*such*" and insert "*the*"

Page 6, after line 18, insert:

"Sec. 6. Minnesota Statutes 1980, Section 3.736, is amended by adding a subdivision to read:

Subd. 3a. [PUNITIVE DAMAGES.] *The state is not obligated to pay any punitive damages.*"

Page 7, lines 22 to 24, reinstate the stricken language

Page 7, line 24, after the comma, insert "*if known,*"

Page 9, line 32, delete "*with the exception of*" and insert ". *However,*"

Page 9, line 33, delete ", *which*"

Page 9, line 33, delete "*deemed to be*"

Page 11, line 11, delete "subdivisions" and insert "a subdivision"

Page 11, delete lines 12 to 29

Page 11, line 30, delete "*13*" and insert "*12*"

Renumber the sections in sequence

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 311: A bill for an act relating to public utilities; providing for rights of shareholders of cooperative electric associations; proposing new law coded in Minnesota Statutes, Chapter 216B.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [216B.166] [ELECTRIC COOPERATIVE SHAREHOLDER RIGHTS.]

Subdivision 1. [INTENT.] *It is the intent of this section to specify those rights which shall be extended to members of cooperative electric associations. The guarantee of these rights, as specified herein, is intended to further the active participation of members in any and all matters pertaining to the prudent operation of their organization.*

Subd. 2. [SCOPE.] *Cooperative associations organized under chapter 308 for the purpose of providing rural electrification at wholesale to other Minnesota cooperative electric associations or at retail to ultimate consumers shall comply with the provisions of this section in addition to other applicable provisions of chapter 308 and other applicable state and federal laws.*

Subd. 3. [BUSINESS RECORDS.] *The provisions of section 301.34 and any amendments or successor requirements to it shall apply to every wholesale or retail cooperative electric association. The rights granted to wholesale and retail electric cooperative shareholders in this section shall apply also to the spouse of the shareholder. In addition to the requirements of section 301.34, a wholesale or retail electric cooperative shall maintain records of all proceedings of meetings of shareholders and directors during the previous three year period including the vote of each director on roll call votes. Roll call votes are required on actions establishing service charge and rate schedules. Roll call voting shall also be required on any matter upon the request of one or more directors.*

Subd. 4. [OPEN MEETINGS.] *All meetings of the board of directors of any retail or wholesale cooperative electric association shall be open to the members of the cooperative and the members' spouses. Portions of meetings relating to labor disputes, current litigation, personnel matters, nonpayment of customer accounts, and other similar subjects which must be kept confidential for effective operation shall be excluded from the provisions of this subdivision. Members shall be given reasonable notice of all meetings.*

Subd. 5. [PETITIONS; VOTING.] *Notwithstanding the provisions of section 308.09, upon the receipt of a written petition concerning governance*

matters signed by at least 500 or 10 percent of the shareholders, whichever is less, of a retail cooperative electric association, the matter in the petition shall be presented to the shareholders of the cooperative for a vote at the next annual meeting. Petitions must be received by the cooperative electric association 120 days prior to the scheduled annual meeting. For purposes of this section, "governance matters" means matters properly contained in the articles of incorporation or bylaws by adopting, amending, or repealing bylaws or the articles of incorporation.

Subd. 6. [EQUAL TIME; PETITIONERS.] *Whenever the directors of a retail cooperative electric association provide information to members to influence their vote on a matter to be decided by a vote of the members pursuant to a successful petition submitted under the provisions of subdivision 5 or section 216B.02, subdivision 4, the directors shall provide the names and last known addresses of all members to the organizers of the petition to enable them to present their position on the matter to the members.*

Subd. 7. [PENALTIES.] *In addition to the remedies provided in this chapter, the commission, by a majority vote of its members, may commence proceedings in the district court of any county in which repeated and willful violations of this section have occurred for a temporary or permanent injunction against any person violating any provision of this section."*

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 1188: A bill for an act relating to human rights; clarifying the meaning of reprisal; requiring an annual report to the legislature; permitting the filing of a charge of unfair discriminatory practice directly in district court; granting certain powers to the commissioner of human rights and eliminating the requirement that the commissioner provide a bond; increasing an award of punitive damages; permitting the recovery for certain damages; awarding attorneys' fees in certain cases; amending Minnesota Statutes 1980, Sections 363.03, Subdivision 7; 363.05, Subdivision 1; 363.06, Subdivisions 1, 3, and 4; 363.071, Subdivision 2; 363.14, Subdivisions 1 and 3; proposing new law coded in Minnesota Statutes, Chapter 363; repealing Minnesota Statutes 1980, Section 363.04, Subdivision 3.

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 1980, Section 363.03, Subdivision 7, is amended to read:

Subd. 7. [REPRISALS.] It is an unfair discriminatory practice for any employer, labor organization, employment agency, public accommodation, public service, educational institution, or owner, lessor, lessee, sublessee, assignee or managing agent of any real property, or any real estate broker, real estate salesperson or employee or agent thereof to intentionally engage in any reprisal against any person because that person:

(1) Opposed a practice forbidden under this chapter or has filed a charge, testified, assisted, or participated in any matter in an investigation, proceeding

or hearing under this chapter; or

(2) Associated with a person or group of persons of different race, color, creed, religion or national origin.

A reprisal includes, but is not limited to, any form of intimidation, retaliation, or harassment. It is a reprisal for an employer to do any of the following with respect to an individual because that individual has engaged in the activities listed in clause (1) or (2): refuse to hire the individual; depart from any customary employment practice; transfer or assign the individual to a lesser position in terms of wages, hours, job classification, job security, or other employment status; or inform another employer that the individual has engaged in the activities listed in clause (1) or (2).

Sec. 2. Minnesota Statutes 1980, Section 363.06, Subdivision 1, is amended to read:

Subdivision 1. [CHARGE FILING.] Any person aggrieved by a violation of this chapter *may bring a civil action as provided in section 363.14, subdivision 1, clause (a), or* may file a verified charge with the commissioner or his designated agent, stating the name and address of the person alleged to have committed an unfair discriminatory practice, setting out the details of the practice complained of *and, if applicable, providing witnesses, documents,* and any other information required by the commissioner. *The commissioner may dismiss a charge when the charging party fails to provide required information.* The commissioner within five days of ~~such~~ *the* filing shall serve a copy of the charge *and a request for a response* upon the respondent personally or by registered or certified mail. ~~Periodically~~ After the filing of a charge ~~but at intervals of no more than 60 days, until the charge is no longer in the jurisdiction of the department~~ the commissioner shall in writing inform the charging party of *any change in* the status of ~~his~~ *the* charge. A copy of the ~~periodic~~ notice shall be mailed to the respondent.

Sec. 3. Minnesota Statutes 1980, Section 363.06, Subdivision 3, is amended to read:

Subd. 3. [TIME FOR FILING ~~CHARGE~~ *CLAIM*.] A ~~charge~~ *claim* of an unfair discriminatory practice must be *brought as a civil action pursuant to section 363.14, subdivision 1, clause (a), or* filed *in a charge with the commissioner* within six months after the occurrence of the practice.

Sec. 4. Minnesota Statutes 1980, Section 363.06, Subdivision 4, is amended to read:

Subd. 4. [INQUIRY INTO CHARGE.] *(1) Consistent with clause (7),* when a charge has been filed, the commissioner shall promptly inquire into the truth of the allegations of the charge. The commissioner shall make an immediate inquiry when necessary to prevent a charging party from suffering irreparable loss in the absence of immediate action. *The commissioner shall also make an immediate inquiry when it appears that a charge is frivolous or without merit and shall dismiss those charges. The charging party shall be notified in writing of intent to dismiss a charge because it is frivolous or without merit ten days prior to dismissal by the commissioner.* On ~~each charge~~ *all other charges* the commissioner shall make a determination as to whether or not there is probable cause to credit the allegation of unfair discriminatory practices, and

~~(1)~~ *(2)* If the commissioner ~~shall determine~~ *determines* after investigation

that no probable cause exists to credit the allegations of the unfair discriminatory practice, the commissioner shall, within ten days of the determination, serve upon the charging party and respondent written notice of the determination. ~~Within ten days after receipt of notice, the charging party may request in writing on forms prepared by the department that the commissioner reconsider his determination. The request shall contain a brief statement of the reasons for and new evidence in support of the request for reconsideration. At the time of submission of the request to the commissioner, the charging party shall deliver or mail to the respondent a copy of the request for reconsideration. The commissioner shall either reaffirm or reverse his determination of no probable cause within 20 days after receipt of the request for reconsideration, and he shall within ten days notify in writing the charging party and respondent of his decision to reaffirm or reverse.~~

A decision by the commissioner that no probable cause exists to credit the allegations of an unfair discriminatory practice shall not be appealed to district court pursuant to section 363.072 or section 15.0424.

~~(2)~~ *(3)* If the commissioner ~~shall determine~~ *determines* after investigation that probable cause exists to credit the allegations of unfair discriminatory practices, the commissioner shall serve on the respondent and his attorney if he is represented by counsel, by first class mail, a notice setting forth a short plain written statement of the alleged facts which support the finding of probable cause and an enumeration of the provisions of law allegedly violated. If the commissioner determines that attempts to eliminate the alleged unfair practices through conciliation pursuant to subdivision 5 have been or would be unsuccessful or unproductive, the commissioner shall issue a complaint and serve on the respondent, by registered or certified mail, a written notice of hearing together with a copy of the complaint, requiring the respondent to answer the allegations of the complaint at a hearing before a hearing examiner at a time and place specified in the notice, not less than ten days after service of said complaint. A copy of the notice shall be furnished to the charging party and the attorney general.

~~(3) After~~ *(4) If, at any time after the filing of a charge,* the commissioner has ~~determined that there is probable cause~~ *reason* to believe that a respondent has engaged in ~~an~~ *any* unfair discriminatory practice, the commissioner may file a petition in the district court in a county in which the subject of the complaint occurs, or in a county in which a respondent resides or transacts business, seeking appropriate temporary relief against the respondent, pending final determination of proceedings under this chapter, including an order or decree restraining him from doing or procuring an act tending to render ineffectual an order the commissioner may enter with respect to the complaint. The court shall have power to grant temporary relief or a restraining order as it deems just and proper, but no relief or order extending beyond ten days shall be granted except by consent of the respondent or after hearing upon notice to the respondent and a finding by the court that there is reasonable cause to believe that the respondent has engaged in a discriminatory practice. *Except as modified by this section,* the Minnesota rules of civil procedure shall apply to an application, and the district court shall have authority to grant or deny such relief sought on conditions as it deems just and equitable. All hearings under this section shall be given precedence as nearly as practicable over all other pending civil actions.

~~(4)~~ *(5)* If a lessor, after he has engaged in a discriminatory practice defined in section 363.03, subdivision 2, clause (1), (a), shall lease or rent a dwelling unit to a person who has no knowledge of the practice or of the existence of a charge with respect to the practice, the lessor shall be liable for actual damages sustained by a person by reason of a final order as provided in this section requiring the person to be evicted from the dwelling unit.

~~(5)~~ *(6)* In any complaint issued under this section, the commissioner may seek relief for a class of individuals affected by an unfair discriminatory practice occurring on or after a date six months prior to the filing of the charge from which the complaint originates.

(7) The commissioner may adopt policies to determine the order in which charges are processed based on their particular social or legal significance, administrative convenience, difficulty of resolution, or other standard consistent with the provisions of this chapter.

Sec. 5. Minnesota Statutes 1980, Section 363.06, is amended by adding a subdivision to read:

Subd. 8. [ACCESS TO DOCUMENTS.] *The charging party or his representative may review the answer of the respondent to the charge submitted pursuant to subdivision 1. The department shall make these documents available to the charging party in a reasonable manner and consistent with any law requiring a state agency to make the answer available to the public.*

Sec. 6. Minnesota Statutes 1980, Section 363.14, Subdivision 1, is amended to read:

Subdivision 1. [COURT ACTIONS, SUITS BY PRIVATE PARTIES, INTERVENTION.] A person may bring a civil action seeking redress for an unfair discriminatory practice~~, upon withdrawal of the complaint from the department of human rights, at the following times~~:

(a) *Directly to district court; or*

(b) Notwithstanding the provisions of any law to the contrary, (1) within 45 days after the commissioner has determined that there is no probable cause to credit the allegations contained in a charge filed with the commissioner~~, or, if the charging party requested a reconsideration, within 45 days after the commissioner has reaffirmed his determination of no probable cause~~; or ~~(b)~~ *(2)* after 45 days from the filing of a charge pursuant to section 363.06, subdivision 1 if a hearing has not been held pursuant to section 363.071 or if the commissioner has not entered into a conciliation agreement to which the charging party is a signator. The charging party shall notify the commissioner of his intention to bring a civil action, which shall be commenced within 90 days of giving the notice;

(c) The commissioner may discharge, without prejudice to the charging party, any case filed with the department on or before June 30, 1978. The commissioner shall notify a charging party by regular mail sent before August 1, 1981, that he has a right to bring a civil action pursuant to this section. Upon giving this notice the commissioner shall end all proceedings in the department relating to the charge. Notwithstanding any statutory period of limitation to the contrary, an individual notified pursuant to this clause may bring a civil action relating to his charge; provided that the action is filed on or

before February 1, 1982.

A charging party bringing a civil action shall mail by registered or certified mail a copy of the summons and complaint to the commissioner, and upon his receipt thereof the commissioner shall cause all proceedings in the department relating to the charge to terminate. No charge shall be filed or reinstituted with the commissioner after a civil action relating to the same unfair discriminatory practice has been brought unless the civil action has been dismissed without prejudice.

Upon application by the complaining party to the district court at a special term thereof and in such circumstances as the court may deem just, the court may appoint an attorney for such person and may authorize the commencement of the action without payment of fees, costs, or security.

Upon timely application, the court may, in its discretion, permit the department to intervene in a civil action brought pursuant to this section upon certification that the case is of general public importance.

~~Upon request, the court may, in its discretion, stay further proceedings for not more than 60 days pending further efforts of the department to obtain voluntary compliance.~~

Sec. 7. [REPEALER.]

Minnesota Statutes 1980, Section 363.04, Subdivision 3, is repealed.

Sec. 8. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Amend the title as follows:

Page 1, delete lines 3 to 16 and insert:

"reprisal; defining certain terms; permitting the filing of a charge of unfair discriminatory practice directly in district court; permitting access to certain documents; granting certain powers to the commissioner of human rights and eliminating the requirement that the commissioner provide a bond; increasing an award of punitive damages; permitting the recovery for certain damages; amending Minnesota Statutes 1980, Sections 363.03, Subdivision 7; 363.06, Subdivisions 1, 3, and 4, and by adding a subdivision; 363.14, Subdivision 1; repealing Minnesota Statutes 1980, Section 363.04, Subdivision 3."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 398: A bill for an act relating to commerce; modifying the definition of continuing care for purposes of the continuing care facility registration act; amending Minnesota Statutes 1980, Section 80D.02, Subdivision 2.

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 1980, Section 80D.01, is amended to read:

80D.01 [SHORT TITLE.]

Sections 80D.01 to 80D.16 may be cited as the Continuing Care Facility ~~Registration~~ *Disclosure and Rehabilitation* Act.

Sec. 2. Minnesota Statutes 1980, Section 80D.02, Subdivision 2, is amended to read:

Subd. 2. "Continuing care" means the furnishing to an individual, other than an individual related by blood or marriage to the person furnishing the care, of board ~~and~~, lodging ~~together with~~, *and* nursing service, medical service or other health related service, regardless of whether or not the lodging and service are provided at the same location, pursuant to a written agreement effective for the life of the individual or for a period in excess of one year ~~but does not include care furnished in a nursing home licensed pursuant to chapter 144A~~, *which is conditioned upon the payment of an entrance fee in excess of $100 and the payment of regular periodic charges for the care provided.*

Sec. 3. Minnesota Statutes 1980, Section 80D.02, is amended by adding a subdivision to read:

Subd. 2a. "Life care" means "continuing care" as defined in subdivision 2.

Sec. 4. Minnesota Statutes 1980, Section 80D.03, Subdivision 1, is amended to read:

Subdivision 1. A provider shall not enter into a contract that requires or permits the payment of an entrance fee in consideration for a promise to provide continuing care in the facility, if the facility is or will be located in this state, or if the provider or a person acting on the provider's behalf solicits the contract within this state and the person to be provided with continuing care under the contract resides within this state at the time of the solicitation, unless ~~the facility is registered under this section~~ *the provider has filed in the office of the county recorder of the county in which the facility is or will be located, a current disclosure statement which meets the requirements of section 80D.04, a verified statement of the escrow agent to the effect that the escrow required by section 80D.05 or 80D.06 has been established, and a filing fee in the amount of $100 has been paid.*

Sec. 5. Minnesota Statutes 1980, Section 80D.04, is amended to read:

80D.04 [DISCLOSURE STATEMENT.]

Subdivision 1. [GENERALLY.] Before the execution of a contract to provide continuing care, or before the transfer of any money or other property to a provider by or on behalf of a prospective resident, whichever occurs first, the provider shall deliver a disclosure statement to the person with whom the contract is to be entered into or, the person's legal representative, the text of which shall contain, to the extent not clearly and completely set forth in the contract for continuing care attached as an exhibit thereto, at least the following information:

(a) The name and business address of the provider and a statement of whether the provider is a partnership, corporation, or other type of legal entity;

(b) The names of the officers, directors, trustees, or managing or general partners of the provider, *and any person having a ten percent or greater equity*

or beneficial interest in the provider, and a description of the person's interest in or occupation with the provider;

(c) ~~A description of the business experience of~~ *With respect to* the provider, *any person named pursuant to paragraph (b)* and ~~of~~ the *proposed* manager of the facility if the facility will be managed on a day to day basis by ~~an organization~~ *a person* other than the provider,

(1) A description of the person's business experience, if any, in the operation or management of similar facilities;

(2) The name and address of any professional service, firm, association, trust, partnership or corporation in which the person has, or which has in the person, a ten percent or greater interest and which will or may provide goods, leases, or services to the facility of a value of $500 or more within any year, including a description of the goods, leases, or services and the probable or anticipated cost thereof to the facility or provider or a statement that the cost cannot presently be estimated; and

(3) A description of any matter in which the person has been convicted of a felony or pleaded nolo contendere to a felony charge, or been held liable or enjoined in a civil action by final judgment if the felony or civil action involved fraud, embezzlement, fraudulent conversion or misappropriation of property; or is subject to a currently effective injunctive or restrictive order of a court of record, or within the past five years has had any state or federal license or permit suspended or revoked as a result of an action brought by a governmental agency or department, arising out of or relating to business activity or health care, including without limitation actions affecting a license to operate a foster care facility, nursing home, retirement home, home for the aged, or facility subject to this section or a similar act in another state;

(d) A statement as to whether or not the provider is, or is affiliated with, a religious, charitable or other nonprofit organization; the extent of the affiliation, if any; the extent to which the affiliate organization is responsible for the financial and contract obligations of the provider; and the provision of the federal internal revenue code under which the provider or affiliate is exempt from the payment of income tax, *if any*;

(e) The location and description of the physical property of the facility, existing or proposed; and to the extent proposed, the estimated completion date or dates, whether or not construction has begun and the contingencies subject to which construction may be deferred;

(f) The goods and services provided or proposed to be provided under contracts for continuing care at the facility, including the extent to which medical care is furnished. The disclosure statement shall clearly state which goods and services are included in basic contracts for continuing care and which goods and services are made available at or by the facility at extra charge and whether they are provided by an affiliate;

(g) A description of all fees required of residents, including the entrance fee and periodic charges, if any. The description shall include:

(1) A statement of the fees that will be charged if the resident marries while at the facility, and a statement of the terms concerning the entry of a spouse to the facility and the consequences if the spouse does not meet the requirement for

entry;

(2) The circumstances under which the resident will be permitted to remain in the facility in the event of possible financial difficulties of the resident;

(3) The terms and conditions under which a contract for continuing care at the facility may be canceled by the provider or by the resident; and the conditions~~, if any,~~ under which all or any portion of the entrance fee will be refunded in the event of cancellation of the contract by the provider or by the resident or in the event of the death of the resident prior to or following occupancy of a living unit;

(4) The conditions under which a living unit occupied by a resident may be made available by the facility to a different or new resident other than on the death of the original resident; and

(5) The manner by which the provider may adjust periodic charges or other recurring fees and the limitations on these adjustments, if any. If the facility is already in operation, or if the provider or manager operates one or more similar facilities within this state, there shall be included tables showing the frequency and average dollar amount of each increase in periodic rates at each facility for the previous five years or for whatever period that the provider or manager has operated the facility if this period is less than five years;

(h) The health and financial conditions required for an individual to be accepted as a resident and to continue as a resident once accepted, including the effect of any change in the health or financial condition of a person between the date of entering a contract for continuing care and the date of initial occupancy of a living unit by that person;

(i) The provisions that have been made or will be made~~, if any,~~ to provide reserve funding or security to enable the provider to fully perform its obligations under contracts to provide continuing care at the facility, including the establishment of escrow accounts, trusts or reserve funds, together with the manner in which the funds will be invested and the names and experience of persons who will make the investment decisions;

(j) Financial statements of the provider which shall be prepared in accordance with generally accepted accounting principles and audited by an independent certified public accountant who shall express an opinion thereon and shall include a balance sheet as of the end of the most recent fiscal year and income statements for the three most recent fiscal years of the provider or for whatever period the provider has operated the facility if this period is less than three years. If the provider's fiscal year ended more than 90 days prior to the date the application is filed, interim financial statements as of a date not more than 90 days prior to the filing shall be included, but need not be certified;

(k) If operation of the facility has not yet commenced, a statement of the anticipated source and application of the funds used or to be used in the purchase or construction of the facility, including:

(1) An estimate of the cost of purchasing or constructing and equipping the facility including such related costs as financing expense, legal expense, land costs, occupancy development costs, and all other similar costs that the provider expects to incur or become obligated for prior to the commencement of operations;

(2) A description of any mortgage loan or other long term financing intended to be used for the financing of the facility, including the anticipated terms and costs of the financing;

(3) An estimate of the total entrance fees to be received from residents at or prior to commencement of operation of the facility; and

(4) An estimate of the funds, if any, that are anticipated to be necessary to fund start-up losses and provide reserve funds to assure full performance of the obligations of the provider under contracts for the provision of continuing care;

(l) Pro forma annual income statements for the facility for a period of not less than five fiscal years, including:

(1) A beginning cash balance consistent with the certified income statement required by clause (j) or, if operation of the facility has not commenced, consistent with the statement of anticipated source and application of funds required by clause (k);

(2) Anticipated earnings on cash reserves, if any;

(3) Estimates of net receipts from entrance fees, other than entrance fees included in the statement of source and application of funds required by clause (k), less estimated entrance fee refunds, if any. A description of the actuarial basis and method of calculation for the projection of entrance fee receipts shall be included;

(4) An estimate of gifts or bequests to be relied on to meet operating expenses and the basis therefor;

(5) A projection of estimated income from fees and charges other than entrance fees, showing individual rates presently anticipated to be charged and including a description of the criteria used for calculating the estimated occupancy rate of the facility and the effect on the income of the facility of government subsidies for health care services to be provided pursuant to the contracts for continuing care;

(6) A projection of estimated operating expenses of the facility, including a description of the assumptions used in calculating the expenses, and separate allowances, if any, for the replacement of equipment and furnishings and anticipated major structural repairs or additions; and

(7) An estimate of annual payments of principal and interest required by any mortgage loan or other long term financing; and

(m) Other material information concerning the facility or the provider that is required by the commissioner or that the provider wishes to include.

Subd. 2. [COVER PAGE DISCLOSURES.] The cover page of the disclosure statement shall state, in a prominent location and in boldface type, the date of the disclosure statement ~~and that registration of the facility does not constitute approval, recommendation or endorsement of the facility by the commissioner, nor does the registration evidence the accuracy or completeness of the information set out in the disclosure statement~~ , *the last date through which that disclosure statement may be delivered if not earlier revised, and that delivery of the disclosure statement to a contracting party before the execution of a contract for the provision of continuing care is required by sections 80D.01 to 80D.16 but that the disclosure statement has not been reviewed or*

approved by any government agency or representative to insure accuracy or completeness of the information set out.

Subd. 3. [CONTRACT FORMS.] A copy of the standard form or forms of contract for continuing care used by the provider shall be attached as an exhibit to each disclosure statement. Each contract shall provide that:

(a) The party contracting with the provider may *for any reason* rescind the contract within ten days following the later of the execution of the contract or the receipt of the disclosure statement, in which event any money or property transferred to the provider shall be returned in full. The resident to whom the contract pertains is not required to move into the facility before the expiration of the ten day period; and

(b) If a resident dies before occupying a living unit in the facility, or if on account of illness, injury or incapacity would be precluded from occupying a living unit in the facility under the terms of the contract for continuing care, the contract is automatically canceled and the resident or legal representative of the resident shall receive a refund of all money or property transferred to the provider, less (a) those costs specifically incurred by the provider or facility at the request of the resident and described in the contract or an addendum thereto signed by the resident; and (b) a reasonable service charge, if set out in the contract, not to exceed the greater of $350 or two percent of the entrance fee.

Subd. 4. [PLAIN LANGUAGE.] ~~With the prior approval of the commissioner, in lieu of the disclosure statement required by this section a provider may deliver a disclosure statement or similar document containing substantially the information required by this section and prepared in compliance with laws of another state or of the United States;~~

~~Subd. 5. (a)~~ The disclosure statement required by this section shall be ~~in a form approved by the commissioner.~~

~~(b) The statement shall be~~ written in language easily readable and understandable by a person of average intelligence and education.

~~In determining whether a statement is readable, the commissioner shall consider at least the following factors:~~

~~(1) The simplicity of the sentence structure and the shortness of the sentences used;~~

~~(2) The extent to which commonly used and understood words are employed;~~

~~(3) The extent to which legal terms are avoided;~~

~~(4) The extent to which references to other sections or provisions of the statement are minimized;~~

~~(5) The extent to which definitional provisions are incorporated in the text of the statement; and~~

~~(6) Any additional factors relevant to the readability or understandability of the statement that the commissioner prescribes by rule.~~

~~(c) The statement shall disclose the names of any affiliates who may provide goods or services.~~

Subd. 5. [ACKNOWLEDGMENT.] *The last page of the disclosure state-*

ment shall consist of a detachable "acknowledgment of receipt" which shall be signed and dated by the prospective resident and a copy of which shall be kept on file in the office of the provider for four years from the date of the acknowledgment.

Sec. 6. Minnesota Statutes 1980, Section 80D.05, is amended to read:

80D.05 [ENTRANCE FEE ESCROW.]

Subdivision 1. [ESCROW ACCOUNT; RELEASE OF FEES.] ~~As a condition of registration under section 80D.03, the commissioner shall require that~~ *Prior to soliciting or entering into any contract for the provision of continuing care,* the provider *shall* establish ~~an escrow account~~ with a bank~~,~~ *or* trust company ~~or other~~ *having its principal place of business in this state, as an* escrow agent ~~approved by the commissioner, and that any~~ *, an* entrance ~~fees received by the provider~~ *fee escrow pursuant to which the provider shall deposit with the escrow agent, within 72 hours of receipt by the provider, each entrance fee or portion of an entrance fee received by the provider from or on behalf of a resident* prior to the date the resident is permitted to occupy a living unit in the facility ~~be placed in the escrow account~~, subject to release as follows:

(a) If the entrance fee applies to a living unit that has been previously occupied in the facility, the entrance fee shall be released to the provider at the time the living unit becomes available for occupancy by the new resident, or shall be returned to the resident or the resident's personal representative under the conditions described in section 80D.04, subdivision 3, *if the escrow agent has received written demand for return of the entrance fee prior to the release thereof to the provider*;

(b) If the entrance fee applies to a living unit which has not previously been occupied by any resident, the entrance fee shall be returned to the resident or the resident's legal representative under the conditions described in section 80D.04, subdivision 3, ~~or~~ *if the escrow agent receives written demand for return of the entrance fee prior to release thereof to the provider, or the entrance fee* shall be released to the provider at the time ~~the commissioner is satisfied that~~ *all of the following conditions have been met*:

(1) The facility has 65 percent of its units reserved as determined by signed written agreements and minimum deposits received; or if the written agreement requires a minimum deposit of more than one-third of the entrance fee, then the facility may have 50 percent of the units reserved and 50 percent of the facility must be completely constructed; and

(2) The sum of entrance fees received or receivable by the provider pursuant to binding contracts for continuing care, plus the anticipated proceeds of any first mortgage loan or other long-term financing commitment, plus funds from other sources in the actual possession of the provider, equals or exceeds the sum of 90 percent of the aggregate cost of constructing or purchasing, equipping and furnishing the facility plus 90 percent of the funds estimated in the statement of anticipated source and application of funds submitted by the provider as part of its permit application, to be necessary to fund start-up losses of the facility plus 90 percent of the amount of the reserve fund escrow, if any, required to be maintained by the provider pursuant to section 80D.06; and

(3) A commitment has been received by the provider for any permanent mortgage loan or other long term financing described in the statement of

anticipated source and application of funds ~~submitted by the provider as part of its registration application~~ *included in the current disclosure statement on file pursuant to section 80D.04*, and any conditions of the commitment prior to disbursement of funds thereunder, other than completion of the construction or closing of the purchase of the facility, have been substantially satisfied; and

(4) If construction of the facility has not been substantially completed, all governmental permits or approvals necessary prior to the commencement of construction have been obtained; and a maximum price contract has been entered into between the provider and a general contractor responsible for construction of the facility; a bond covering the faithful performance of the construction contract by the general contractor and the payment of all obligations arising thereunder has been issued by an insurer authorized to do business in this state with the provider as obligee; a loan agreement has been entered into by the provider for an interim construction loan in an amount which, when combined with the amount of entrance fees then held in escrow under the provisions of this section plus the amount of funds from other sources then in the actual possession of the provider, will equal or exceed the estimated cost of constructing, equipping and furnishing the facility; not less than ten percent of the amount of the construction loan has been disbursed by the lender for physical construction or site preparation work completed; and orders at firm prices have been placed by the provider for not less than 50 percent in value, including installation charges if applicable, of items necessary for equipping and furnishing the facility in accordance with the description set forth in the disclosure statement required by section 80D.04; or

If construction or purchase of the facility has been substantially completed, an occupancy permit covering the living unit has been issued by the local government having authority to issue these permits.

Subd. 2. [LIMITATION.] The aggregate amount of entrance fees which may be released to the provider pursuant to subdivision 1, clause (b) prior to the date on which any reserve fund escrow under section 80D.06 is established shall not exceed the aggregate amount of entrance fees then received or receivable by the provider pursuant to binding contracts for continuing care less the amount of the entrance fees received or receivable which will be required to be initially maintained in the reserve fund escrow;

Subd. 3. [FEE RETURNED AFTER 36 MONTHS.] If ~~the funds in an escrow account~~ *an entrance fee* to which subdivision 1, clause (b) applies ~~are~~ *is* not released pursuant thereto within a period of 36 months *from receipt of the entrance fee by the provider* or *within* a greater time that has been specified by the provider ~~with the consent of the commissioner, or any extensions thereof approved by the commissioner in writing~~ *in the disclosure statement delivered, pursuant to section 80D.04, to the person with whom the contract for continuing care to which the entrance fee pertains was made*, then the ~~funds~~ *fee* shall be returned by the escrow agent to the persons who had paid them to the provider.

Subd. 4. [NONREFUNDABLE APPLICATION FEES.] Nothing in this section requires the escrow of any nonrefundable application fee that does not exceed two percent of the entrance fee and is clearly designated as such in the contract for continuing care.

Subd. 5. [ACCRUED INTEREST.] ~~In lieu of any escrow which is required~~

~~by the commissioner under this section, a provider may post a bond issued by an insurer authorized to do business in this state. The bond shall be filed with the commissioner with the state as obligee, conditioned for the prompt payment to persons who are entitled to a refund of entrance fees from the provider.~~

~~Subd. 6.~~ Interest accrued on entrance fees or deposits held in escrow is the property of the provider *only if the funds are ultimately released to the provider.*

Subd. 6. [RESIDENT COPY OF ESCROW AGREEMENT.] *The provider shall provide each prospective resident who has signed a contract for continuing care with a copy of the escrow agreement referred to in subdivision 1, which agreement shall set forth the name, address, and telephone number of the escrow agent.*

Sec. 7. Minnesota Statutes 1980, Section 80D.06, is amended to read:

80D.06 [RESERVE FUND ESCROW.]

Subdivision 1. [ESCROW ACCOUNT; RELEASE OF FUNDS.] ~~As a condition of initial or continuing registration under section 80D.03~~ *At the time a facility is first occupied by any resident and thereafter,* ~~the commissioner shall require~~ the provider ~~to~~ *shall* establish ~~at the time the facility is first occupied by any resident and thereafter, to~~ *and* maintain on a current basis, in escrow with a bank~~,~~ *or* trust company ~~or other escrow agent approved by the commissioner~~ *having its principal place of business in this state, as an escrow agent,* a portion of all entrance fees received by the provider in an aggregate amount of up to the total of all principal and interest payments due during the next 12 months on account of any first mortgage loan or other long term financing of the facility. The funds in the escrow account may be invested with the earnings thereon payable to the provider. If the provider requests *and sets forth its reasons* in writing, the escrow agent shall release up to 1/12 of the original principal balance of the escrow account. A release of funds shall not be made more than once during any calendar month, and then only after the escrow agent has given written notice *of the release and the reasons therefor* to ~~the commissioner~~ *any resident or association of residents, or the legal representative of a resident or association of residents, that has requested it* at least ten days prior to the release.

~~The provider shall notify the commissioner ten days prior to any withdrawal from the reserve fund and the reasons therefor.~~ Any person or affiliate of any person that controls any *part of the* reserve *escrow* fund comprised in part or totally of funds removed from the provider's resources, is liable for the debts of the provider up to the amount of the provider's contribution to the fund plus any prorated interest the fund may earn.

Subd. 2. [FACILITIES ESTABLISHED PRIOR TO 1975.] In those instances where a provider has been offering continuing care in a facility since prior to January 1, 1975, the following shall apply. The provider shall establish a reserve escrow fund and shall contribute to it ~~a portion~~ *15 percent* of each new entrance fee ~~in a percentage to be determined by the commissioner~~ *received by the provider after December 31, 1981.* The funds thereby received shall be permitted to accumulate until there is in the reserve fund an amount equal to the total of all principal and interest payments due during the next 12 months on account of any first mortgage loan or other long term financing obligation of

the facility. ~~The commissioner may by rule or order require of any facility subject to the lower escrow requirements of subdivision 2, the posting of a surety bond in an amount sufficient to protect the total of all principal and interest payments due during the next 12 months on account of any first mortgage loan or other long term financing obligation of the facility. A copy of the bond is to be filed with the commissioner.~~

Sec. 8. Minnesota Statutes 1980, Section 80D.08, is amended to read:

80D.08 [LIEN ON BEHALF OF RESIDENTS.]

~~The provider shall notify the commissioner at the time the facility is ready for occupancy. Upon receiving this notification the commissioner shall file~~ *Effective at the time a facility is first occupied by any resident, there shall exist* a lien on the real and personal property of the provider or facility to secure the obligations of the provider pursuant to existing and future contracts for continuing care. A lien ~~filed~~ under this section is effective for a period of ten years ~~following the filing and may be extended by the commissioner upon a finding that the extension is advisable for the protection of residents of the facility~~. The lien may be foreclosed upon the liquidation of the facility or the insolvency or bankruptcy of the provider, and in that event the proceeds shall be used in full or partial satisfaction of obligations of the provider pursuant to contracts for continuing care then in effect. ~~The lien provided for in this section is subordinate to the lien of any first mortgage on the real property of the facility and may be subordinated with the written consent of the commissioner to the claims of other persons if the commissioner determines the subordination to be advisable for the efficient operation of the facility.~~

Sec. 9. Minnesota Statute 1980, Section 80D.09, is amended to read:

80D.09 [~~ANNUAL REPORT~~ *REVISED DISCLOSURE.*]

~~The registration of a facility under section 80D.03 remains effective until withdrawn by the provider or revoked or suspended by the commissioner under section 80D.12.~~ Annually within 120 days following the end of the provider's fiscal year, ~~unless the time is extended with the written consent of the commissioner,~~ the provider shall file with the ~~commissioner an annual report that includes~~ *county recorder of the county in which the facility is or will be located* a revised disclosure statement setting forth, as of the end of the fiscal year, information meeting the requirements of section 80D.04, *and pay a $100 filing fee* . The ~~annual report~~ *revised disclosure statement* shall ~~be accompanied by~~ *include* a narrative describing any material differences between (a) the pro forma income statements filed in response to section 80D.04, subdivision 1, clause (l) as a part of the *disclosure statement filed* most immediately ~~preceding registration application or annual report~~ *subsequent to the start of the provider's most recently completed fiscal year* and (b) the actual results of operations during the fiscal year together with the revised pro forma income statements being filed as a part of the ~~current annual report~~ *revised disclosure statement*. A provider may ~~amend~~ , *upon payment of a $100 filing fee, revise* its disclosure statement on file with the ~~commissioner~~ *county recorder* at any other time if, in the opinion of the provider, ~~an amendment~~ *revision* is necessary to prevent the disclosure statement from containing a material misstatement of fact or omitting to state a material fact required to be stated therein. *Only the most recently filed disclosure statement with respect to a facility, and in any event only a disclosure statement dated within 120 days prior to the date*

as of which the determination is made, shall be deemed current for purposes of sections 80D.01 to 80D.16 or be delivered pursuant to section 80D.04. In addition, the provider shall make the revised disclosure statement available for inspection by residents during regular business hours.

Sec. 10. Minnesota Statutes 1980, Section 80D.11, is amended to read:

80D.11 [REHABILITATION OR LIQUIDATION.]

Subdivision 1. [APPOINTMENT OF TRUSTEES.] If ~~the commissioner determines, after notice and an opportunity for the provider to be heard, that~~ (a) a portion of a reserve fund escrow required under section 80D.06 has been or is proposed to be released, or (b) a provider has been or will be unable, in a manner as may endanger the ability of the provider to fully perform its obligations pursuant to contracts for continuing care or to meet the pro forma income or cash flow projections previously filed by the provider, or (c) a provider is bankrupt or insolvent or ~~in imminent danger of becoming bankrupt or insolvent~~ *has filed for protection from creditors under any federal or state bankruptcy or insolvency law* , then ~~the commissioner~~ *any resident or association of residents, or the legal representative of a resident or association of residents,* may apply to a district court of this state, or to the federal bankruptcy court which may have previously taken jurisdiction over the provider or facility for an order directing the ~~commissioner, or authorizing the commissioner to appoint~~ *appointment of* a trustee~~,~~ to rehabilitate or liquidate a facility.

Subd. 2. [REHABILITATION.] An order to rehabilitate a facility shall direct the ~~commissioner or~~ trustee to take possession of the property of the provider and to conduct the business thereof, including the employment of such managers or agents as the ~~commissioner or~~ trustee may deem necessary, and to take steps as the court may direct toward removal of the causes and conditions which have made rehabilitation necessary.

Subd. 3. [TERMINATION OF REHABILITATION; RETURN OF FACILITY TO PROVIDER.] If the court finds, upon petition of the ~~commissioner,~~ trustee or the provider, or on its own motion, that the objectives of an order to rehabilitate a provider have been accomplished and that the facility can be returned to the provider's management without further jeopardy to the residents of the facility, creditors, owners of the facility, or to the public, the court may, upon a full report and accounting of the conduct of the facility's affairs during the rehabilitation and of the facility's current financial condition, terminate the rehabilitation and by order return the facility and its assets and affairs to the provider's management.

Subd. 4. [LIQUIDATION.] If, at any time, the ~~commissioner~~ *trustee* determines that further efforts to rehabilitate the provider would be useless, it may apply to the court for an order of liquidation.

Subd. 5. [REHABILITATION ATTEMPT NOT NECESSARY PRIOR TO LIQUIDATION.] An order to liquidate a facility may be issued ~~upon application of the commissioner~~ whether or not there has been issued a prior order to rehabilitate the facility. The order shall ~~act as a revocation of the registration of the facility under section 80D.03, and shall order the commissioner or~~ *appoint* a trustee to marshall and liquidate all of the provider's assets located within this state. *Effective upon the entry of an order to liquidate a facility, no additional contracts for the provision of continuing care at that facility shall be made by*

any person.

Subd. 6. [CONSIDERATION OF WELFARE OF RESIDENTS.] In ~~applying~~ *connection with an application* for an order to rehabilitate or liquidate a facility, ~~the commissioner~~ *a court* shall give due consideration to the manner in which the welfare of persons who have previously contracted with the provider for continuing care may be best served. In furtherance of this objective, the proceeds of any lien ~~obtained by the commissioner~~ pursuant to section 80D.08 may be used in full or partial payment of entrance fees, on behalf of residents of a facility being liquidated, to other facilities ~~registered under section 80D.03~~ *then in compliance with the provisions of sections 80D.01 to 80D.16.*

~~Subd. 7. An order for rehabilitation under this section shall be refused or vacated if the provider posts a bond issued by an insurer authorized to do business in this state. The bond shall be filed with the commissioner, with the state as obligee, conditioned for the prompt payment to persons who are entitled to a refund of entrance fees from the provider or for the prompt payment of other damages, in the event the provider is unable to fulfill its contracts to provide continuing care at the facility. The bond shall be in an amount determined by the court to be equal to the reserve funding which would otherwise be needed to fulfill the obligations.~~

Sec. 11. Minnesota Statutes 1980, Section 80D.13, Subdivision 1, is amended to read:

Subdivision 1. Any person who, as or on behalf of a provider, enters into a contract for continuing care at a facility ~~that is not registered under section 80D.03, or enters into a contract for continuing care at a facility~~ without having first delivered a disclosure statement meeting the requirements of section 80D.04 to the person contracting for the continuing care, or enters into a contract for continuing care at a facility with a person who has relied on a disclosure statement that omits to state a material fact required to be stated therein or necessary in order to make the statements made therein, in light of the circumstances under which they are made, not misleading, is liable to the person contracting for the continuing care for damages and repayment of all fees paid to the provider, facility or person violating sections 80D.01 to 80D.12, less the reasonable value of care and lodging provided to the resident by or on whose behalf the contract for continuing care was entered into prior to discovery of the violation, misstatement or omission or the time the violation, misstatement or omission should reasonably have been discovered, together with interest thereon at the legal rate for judgements, and court costs and reasonable attorney fees.

Sec. 12. Minnesota Statutes 1980, Section 80D.16, is amended to read:

80D.16 [CRIMINAL PENALTIES.]

Any person who willfully and knowingly violates any provision of sections 80D.03 to 80D.16~~, or any rule hereunder,~~ shall upon conviction be fined not more than $10,000 or imprisoned not more than one year, or both.

~~The commissioner may refer evidence concerning violations of sections 80D.03 to 80D.16 or of any rule hereunder to the attorney general or the proper county attorney who may, with or without the reference, institute the appropriate criminal proceedings.~~

Nothing in sections 80D.03 to 80D.16 limits the power of the state to punish

any person for any conduct which constitutes a crime under any other statute.

Sec. 13. Minnesota Statutes 1980, Section 82.18, is amended to read:

82.18 [EXCEPTIONS.]

Unless a person is licensed or otherwise required to be licensed under this chapter, the term real estate broker does not include:

(a) A licensed practicing attorney acting solely as an incident to the practice of law, provided, however, that the attorney complies in all respects with the trust account provisions of this chapter;

(b) A receiver, trustee, administrator, guardian, executor, or other person appointed by or acting under the judgment or order of any court;

(c) Any person owning and operating a cemetery and selling lots therein solely for use as burial plots;

(d) Any custodian, janitor, or employee of the owner or manager of a residential building who leases residential units in such building;

(e) Any bank, trust company, savings and loan association, public utility, or any land mortgage or farm loan association organized under the laws of this state or the United States, when engaged in the transaction of business within the scope of its corporate powers as provided by law;

(f) Public officers while performing their official duties;

(g) Employees of persons enumerated in clauses (b), (e) and (f), when engaged in the specific performance of their duties;

(h) Any person who acts as an auctioneer bonded in conformity with section 330.02, when he is engaged in the specific performance of his duties as an auctioneer;

(i) Any person who acquires such real estate for the purpose of engaging in and does engage in, or who is engaged in the business of constructing residential, commercial or industrial buildings for the purpose of resale, provided that no more than 25 such transactions occur in any 12 month period and that the person complies with section 82.24;

(j) Any person who offers to sell or sells an interest or estate in real estate which is a security registered pursuant to chapter 80A, when acting solely as an incident to the sale of such securities;

(k) Any person who offers to sell or sells a business opportunity which is a franchise registered pursuant to chapter 80C, when acting solely to sell the franchise;

(l) Any person who contracts with or solicits on behalf of a provider a contract with a resident or prospective resident to provide continuing care in a facility ~~that is registered~~ , pursuant to the continuing care facility ~~registration~~ *disclosure and rehabilitation* act *(chapter 80D)*, when acting solely as incident to the contract.

Sec. 14. [REPEALER.]

Minnesota Statutes 1980, Sections 80D.02, Subdivision 3; 80D.03, Subdivisions 3 and 4; 80D.10; 80D.12; 80D.14; 80D.15; 80D.17; and 80D.18,

are repealed.

Sec. 15. [EFFECTIVE DATE.]

Sections 1 to 14 are effective October 1, 1981."

Amend the title as follows:

Page 1, line 2, delete "modifying" and insert "clarifying"

Page 1, delete lines 3 to 5 and insert:

"'"continuing care"; providing for implementation of the continuing care facilities disclosure and rehabilitation act in a self-executing manner; amending Minnesota Statutes 1980, Sections 80D.01; 80D.02, Subdivision 2, and by adding a subdivision; 80D.03, Subdivision 1; 80D.04; 80D.05; 80D.06; 80D.08; 80D.09; 80D.11; 80D.13, Subdivision 1; 80D.16; and 82.18; repealing Minnesota Statutes 1980, Sections 80D.02, Subdivision 3; 80D.03, Subdivisions 3 and 4; 80D.10; 80D.12; 80D.14; 80D.15; 80D.17; and 80D.18."

And when so amended the bill do pass. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 1154, 1002, 227, 1057, 73, 793, 464, 76, 373, 659, 308, 642, 846, 460, 960, 1172, 1056, 937, 758, 694, 1125, 657, 1164, 1170, 311, 1188 and 398 were read the second time.

SECOND READING OF HOUSE BILLS

H. F. No. 574 was read the second time.

MOTIONS AND RESOLUTIONS

Mr. Nelson moved that the name of Mr. Nichols be stricken as co-author to S. F. No. 559. The motion prevailed.

Mr. Nelson moved that the name of Mr. Dicklich be added as co-author to S. F. No. 559. The motion prevailed.

Mr. Purfeerst moved that the name of Mr. Stern be added as co-author to S. F. No. 899. The motion prevailed.

Mr. Dicklich moved that his name be stricken as co-author to S. F. No. 1234. The motion prevailed.

Mr. Tennessen moved that H F. No. 972 be withdrawn from the Committee on Commerce and re-referred to the Committee on Rules and Administration for comparison with S. F. No. 846. The motion prevailed.

Mr. Setzepfandt introduced—

Senate Resolution No. 50: A Senate resolution stating the necessity of farmer-owned cooperative refineries to have a stable supply of crude oil.

Referred to the Committee on Rules and Administration.

Mr. Olhoft introduced—

Senate Resolution No. 51: A Senate resolution relating to the city of Fergus

Falls; extending congratulations upon being selected an All-America City.

Referred to the Committee on Rules and Administration.

Mr. Peterson, C. C. moved that S. F. No. 354 be taken from the table. The motion prevailed.

CONCURRENCE AND REPASSAGE

Mr. Peterson, C. C. moved that the Senate concur in the amendments by the House to S. F. No. 354 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 354: A bill for an act relating to taxation; estate tax; clarifying certain deductions; updating references to internal revenue code; clarifying the method of computing credits; clarifying exemptions and exclusions; providing for a statute of limitations; eliminating obsolete references; providing disclosure of data to certain persons; clarifying recording procedures; amending Minnesota Statutes 1980, Sections 290.01, Subdivision 20; 291.005, Subdivision 1; 291.03, Subdivision 1; 291.05; 291.065; 291.07, Subdivision 1; 291.08; 291.09, Subdivision 3a; 291.31, Subdivision 1; 291.48; and 600.21.

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 51 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Davis	Langseth	Peterson,C.C.	Stern
Bang	Dieterich	Lantry	Peterson,D.L.	Stokowski
Belanger	Engler	Lessard	Peterson,R.W.	Taylor
Benson	Frank	Lindgren	Pillsbury	Tennessen
Berg	Frederick	Luther	Ramstad	Ulland
Bernhagen	Frederickson	Menning	Renneke	Waldorf
Bertram	Hughes	Merriam	Rued	Willet
Brataas	Johnson	Moe, R. D.	Schmitz	
Chmielewski	Keefe	Nelson	Setzepfandt	
Dahl	Kroening	Olhoft	Sikorski	
Davies	Kronebusch	Pehler	Spear	

So the bill, as amended, was repassed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Pehler in the chair.

After some time spent therein, the committee arose, and Mr. Pehler reported that the committee had considered the following:

S. F. Nos. 353, 358, 849, 333 and 436, which the committee recommends to pass.

S. F. No. 64, which the committee reports progress, subject to the following motions:

Mr. Davies moved to amend S.F. No. 64 as follows:

Amend the title as follows:

Page 1, line 11, delete "prohibiting short-term policies;"

The motion prevailed. So the amendment was adopted.

Mr. Davies then moved to amend S. F. No. 64 as follows:

Page 2, line 9, delete "*until January 1,*" and insert ", *but for injury arising after December 31, 1981, the maximum is*"

Page 2, line 10, delete "*1982, and*" and delete "*thereafter*"

Page 2, line 22, delete "*until January 1, 1982, and*" and insert " , *but for injury arising after December 31, 1981, the maximum is*"

Page 2, line 23, delete "*thereafter*"

Page 3, line 7, delete "*until January 1, 1982, and*" and insert ", *but for injury arising after December 31, 1981, the maximum is*"

Page 3, line 8, delete "*thereafter*"

Page 4, line 5, delete "*until January 1, 1982, and*" and insert ", *but for injury arising after December 31, 1981, the maximum is*"

Page 4, line 6, delete "*thereafter*"

Page 6, line 12, strike "said"

Page 6, line 15, after "who" insert ", *because of injury,*"

Page 6, line 17, strike "because of injury"

Page 7, line 11, delete "*in an*"

Page 7, delete line 12

Page 7, line 13, delete "*limits,*"

Page 7, line 17, after the comma, insert "*but only*"

Page 7, line 18, delete "*this coverage*" and insert "*his own residual liability limits*"

Page 7, line 21, after "*subrogated*" insert "*as*"

Page 7, line 21, after "*pays*" insert "*pursuant to this coverage*"

Page 7, line 22, after "*judgment*" insert a comma and after "any" insert a comma

Page 7, line 23, delete "*money*" and insert "*amount*"

Page 7, line 27, delete "*clause (1)*" and insert "*clauses (1) and (5)*"

Page 7, after line 34, insert:

"*(c) The amendment in section 9 to subdivision 4, clause (4), is intended to continue and clarify that provision.*"

The motion prevailed. So the amendment was adopted.

Mr. Davies then moved to amend S.F. No. 64 as follows:

Page 5, line 3, delete "*$50,000*" and insert "*$40,000*"

Page 5, line 5, delete "*$100,000*" and insert "*$80,000*"

Page 6, line 10, delete "*$50,000*" and insert "*$40,000*"

Page 6, line 12, delete "*$100,000*" and insert "*$80,000*"

The motion prevailed. So the amendment was adopted.

Mr. Davies then moved to amend S.F. No. 64 as follows:

Page 1, line 26, delete "*$100,000*" and insert "*$80,000*"

Page 1, line 30, delete "*$70,000*" and insert "*$50,000*"

The motion prevailed. So the amendment was adopted.

S. F. No. 64 was then progressed.

S. F. No. 179, which the committee recommends to pass with the following amendment offered by Mr. Chmielewski:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statues 1980, Section 362.40, Subdivision 2, is amended to read:

Subd. 2. "Indian" means a person of one-quarter or more Indian blood and who is an enrolled member of a *federally recognized* Minnesota based band or tribe.

Sec. 2. Minnesota Statutes 1980, Section 362.40, Subdivision 8, is amended to read:

Subd. 8. The remaining 20 percent of the tax revenue received by the county auditor under section 273.13, subdivision 2a shall be remitted by the county auditor to the state treasurer and shall be deposited in the general fund in ~~special accounts identified as "reservation residents loan accounts" and a "nonreservation residents loan account". The amount to be credited to each reservation residents loan account shall be that percentage of the amount received from all the counties pursuant to subdivision 8 as the number of Indians living on such reservation bears to all the Indians in Minnesota, as said percentage is determined by the department of economic development. The amount remaining shall be credited to the nonreservation residents loan account. The amounts credited to each of these special accounts shall be used solely for making loans to Indians, in the manner provided by subdivisions 9 and 10~~ *a special account called the "Indian business loan account", which shall be a revolving fund created and established under the jurisdiction and control of the agency, which may engage in a business loan program for American Indians as that term is defined in subdivision 2. The tribal councils may administer the fund, provided that, before making any eligible loans, each tribal council must submit to the agency, for its review and approval, a plan for that council's loan program which specifically describes, as to that program, its content, utilization of funds, administration, operation, implementation, and other matters required by the agency. All such programs must provide for a reasonable balance in the distribution of funds appropriated pursuant to this section for the purpose of making business loans between Indians residing on and off the reservations within the state. As a condition to the making of such eligible loans, the tribal councils shall enter into a loan agreement and other contractual arrangements with the agency for the purpose of carrying out the provisions of this chapter,*

and shall agree that all official books and records relating to the business loan program shall be subject to audit by the legislative auditor in the same manner prescribed for agencies of state government.

Whenever any moneys are appropriated by the state treasurer to the agency solely for the above-specified purpose or purposes, the agency shall establish a separate bookkeeping account or accounts in the Indian business loan fund to record the receipt and disbursement of such moneys and of the income, gain and loss from the investment and re-investment thereof.

Sec. 3. Minnesota Statues 1980, Section 362.40, Subdivision 9, is amended to read:

Subd. 9. ~~A reservation resident~~ *An Indian* desiring a loan for the purpose of starting a business enterprise, expanding an existing business, or for technical and management assistance, shall make application to the state department of economic development. The department shall prescribe the necessary forms and advise the prospective borrower as to the conditions under which his application may be expected to receive favorable consideration. ~~The tribal council shall recommend to the department that the loan be accepted or rejected. The department shall approve or reject the application taking the tribal council recommendation into consideration.~~ *The application shall be forwarded to the appropriate tribal council for approval or disapproval, and shall be in conformity with the plans submitted by said tribal councils.* If the application is approved, the department shall forward the application, together with all relevant documents pertinent thereto, to the commissioner of finance, who shall draw his warrant in favor of the *applicable* tribal council with appropriate notations identifying the borrower. The tribal council shall thereafter reimburse suppliers and vendors for purchases of equipment, real estate and inventory made by the borrower pursuant to the conditions or guidelines established by the state department of economic development. The tribal council shall maintain records of transactions for each borrower in a manner consistent with good accounting practice. Simple interest at two percent of the amount of the debt owed shall be charged. When any portion of a debt is repaid, the tribal council shall remit the amount so received plus interest paid thereon to the state treasurer through the department of economic development. The amount so received shall be credited to ~~such reservation residents~~ *the Indian business* loan account. The tribal council shall secure a fidelity bond from a surety company, in favor of the state treasurer, in an amount equal to the maximum amount to the credit of ~~such reservation residents~~ *its* loan account during the fiscal year. *On the placing of a loan,* additional money equal to ten percent of the total amount made available to any tribal council *for loans* during the fiscal year shall be paid to such council prior to December 31 for the purpose of financing administrative costs.

Sec. 4. Minnesota Statutes 1980, Section 362.40, Subdivision 11, is amended to read:

Subd. 11. Loans made under ~~subdivisions~~ *subdivision* 9 ~~and 10~~ shall be limited to a period of 20 years, if made for the purpose of financing nonreal estate purchases. Loans made for the purpose of financing real estate purchases, where such real property is to be used for nonresidential purposes only, shall be limited to a period of 40 years, and shall be a lien on the real property so acquired. Under no circumstances shall the state take a position junior to

third lien. In instances where it is impossible or undesirable to secure a lien against real property, the state may secure a lien against personal property for an amount equal to the face value of the loan.

Sec. 5. Minnesota Statutes 1980, Section 362.40, Subdivision 12, is amended to read:

Subd. 12. Any person misrepresenting facts regarding the Indian ancestry of a prospective borrower for the purpose of securing a loan under ~~subdivisions~~ *subdivision* 9 ~~and 10~~, whether such borrower be an individual, partnership or corporation, shall be guilty of a gross misdemeanor.

Sec. 6. Minnesota Statutes 1980, Section 362.40, Subdivision 14, is amended to read:

Subd. 14. There is appropriated annually an amount equal to the tax revenue allotted under ~~subdivisions~~ *subdivision* 9 ~~and 10~~.

Sec. 7. Minnesota Statutes 1980, Section 362.40, is amended by adding a subdivision to read:

Subd. 7a. "Agency" or "department" means the department of economic development.

Sec. 8. [REPEALER.]

Minnesota Statutes 1980, Section 362.40, Subdivisions 4, 5, and 10, are repealed."

Amend the title as follows:

Page 1, line 2, before "loans" insert "business"

Page 1, line 4, after "2," insert "8," and after "9" insert ", 11, 12, 14" and delete "and 10"

Page 1, line 5, before the period, insert "; repealing Minnesota Statutes 1980, Section 362.40, Subdivisions 4, 5, and 10"

The motion prevailed. So the amendment was adopted.

S. F. No. 168, which the committee recommends to pass with the following amendment offered by Mr. Schmitz:

Page 2, line 23, after the period, insert "*If the town board of supervisors refuses or fails to adopt a resolution indicating their support or opposition within 30 days after being requested to do so by the applicant, it shall be presumed that they support the application.*"

The motion prevailed. So the amendment was adopted.

S. F. No. 759, which the committee recommends to pass with the following amendment offered by Mr. Penny:

Amend the title as follows:

Page 1, line 5, after "expended;" insert "limiting the means by which the commissioner may acquire certain abandoned railroad right-of-way;"

The motion prevailed. So the amendment was adopted.

S. F. No. 713, which the committee recomends to pass, after the following

motions:

Mr. Menning moved to amend S. F. No. 713 as follows:

Page 2, line 24, reinstate "$15" and delete "*$20*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 17 and nays 44, as follows:

Those who voted in the affirmative were:

Benson	Chmielewski	Lessard	Pillsbury	Willet
Berg	Frederick	Menning	Renneke	
Bernhagen	Keefe	Olhoft	Rued	
Bertram	Kronebusch	Peterson,D.L.	Taylor	

Those who voted in the negative were:

Bang	Frank	Lantry	Peterson,C.C.	Spear
Belanger	Frederickson	Lindgren	Peterson,R.W.	Stern
Brataas	Hughes	Luther	Petty	Stokowski
Dahl	Humphrey	Merriam	Purfeerst	Stumpf
Davies	Johnson	Moe, D. M.	Ramstad	Tennessen
Davis	Knoll	Moe, R. D.	Schmitz	Ulland
Dicklich	Knutson	Nelson	Setzepfandt	Vega
Dieterich	Kroening	Pehler	Sikorski	Waldorf
Engler	Langseth	Penny	Solon	

The motion did not prevail. So the amendment was not adopted.

Mr. Frederick moved to amend S. F. No. 713 as follows:

Page 4, line 27, reinstate "TRUNK HIGHWAY" and delete "*HIGHWAY USER TAX*"

Page 4, line 28, delete "*DISTRIBUTION*"

Page 4, line 31, reinstate "trunk highway"

Page 4, lines 31 and 32, delete "*highway user tax distribution*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 24 and nays 35, as follows:

Those who voted in the affirmative were:

Ashbach	Bernhagen	Frederick	Lindgren	Rued
Bang	Brataas	Frederickson	Peterson,D.L.	Stumpf
Belanger	Davies	Johnson	Pillsbury	Taylor
Benson	Dieterich	Knutson	Ramstad	Ulland
Berg	Engler	Kronebusch	Renneke	

Those who voted in the negative were:

Bertram	Knoll	Merriam	Peterson,R.W.	Spear
Chmielewski	Kroening	Moe, R. D.	Petty	Stern
Dahl	Langseth	Nelson	Purfeerst	Stokowski
Davis	Lantry	Olhoft	Schmitz	Tennessen
Dicklich	Lessard	Pehler	Setzepfandt	Vega
Frank	Luther	Penny	Sikorski	Waldorf
Humphrey	Menning	Peterson,C.C.	Solon	Willet

The motion did not prevail. So the amendment was not adopted.

On motion of Mr. Pehler, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Mr. Waldorf introduced—

S.F. No. 1317: A bill for an act relating to health; changing the claim limitations on cost of removing nuisances; authorizing the commissioner of health to issue orders concerning well water quality; clarifying the commissioner's authority over water wells and exploratory boring to include repairs and abandonment; changing the penalties for violations; amending Minnesota Statutes 1980, Sections 145.22; 156A.02, Subdivisions 1, 2, and 3; 156A.03, Subdivisions 1 and 2; 156A.05; 156A.07, Subdivisions 1 and 4; and 156A.08.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Dicklich introduced—

S.F. No. 1318: A bill for an act relating to the Mountain Iron joint recreation board; regulating its tax levy.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Schmitz introduced—

S.F. No. 1319: A bill for an act relating to education; authorizing a levy for Independent School District No. 112 to recover certain expenses relating to transportation of nonresident handicapped pupils.

Referred to the Committee on Education.

Messrs. Berg, Bernhagen and Keefe introduced—

S.F. No. 1320: A bill for an act relating to taxation; income; excluding certain dividend and interest income; amending Minnesota Statutes 1980, Section 290.01, Subdivision 20.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Wegener, Berg and Setzepfandt introduced—

S.F. No. 1321: A bill for an act relating to the city of Granite Falls; authorizing the establishment of a community development program and providing powers for it.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Johnson and Dicklich introduced—

S.F. No. 1322: A bill for an act relating to counties; providing that the compensation of members of the St. Louis county board of commissioners be

set pursuant to general law; amending Minnesota Statutes 1980, Section 375.055, Subdivision 1; repealing Laws 1965, Chapter 843.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Johnson introduced—

S.F. No. 1323: A bill for an act relating to local government; Lake County, Independent School District No. 381, and the town of Beaver Bay; providing for the valuation and assessment for property taxes of certain unique mining property.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Peterson, C.C. and Johnson introduced—

S.F. No. 1324: A bill for an act relating to metropolitan government; providing for review by the metropolitan council of the entire budget of the metropolitan waste control commission; amending Minnesota Statutes 1980, Section 473.163, Subdivision 2.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Lessard introduced—

S.F. No. 1325: A bill for an act relating to education; establishing grants for alternative educational delivery systems in small rural school districts; appropriating money.

Referred to the Committee on Education.

Mr. Chmielewski introduced—

S.F. No. 1326: A bill for an act relating to elections; fixing the majority necessary to approve an amendment to a home rule charter; amending Minnesota Statutes 1980, Section 410.12, Subdivision 4.

Referred to the Committee on Local Government and Urban Affairs.

Mrs. Brataas introduced—

S.F. No. 1327: A bill for an act relating to the board of medical examiners; allowing temporary suspension of physicians' licenses without a hearing under certain conditions; amending Minnesota Statutes 1980, Section 147.021, by adding a subdivision.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Tennessen, Purfeerst, Knutson and Frederickson introduced—

S.F. No. 1328: A bill for an act relating to community social services; defining groups of persons for whom counties are responsible; establishing certain funding levels; clarifying sections of the community social services act; amending Minnesota Statutes 1980, Sections 245.64; 245.66; 245.84, Subdivision 5; 252.21; 252.24, Subdivisions 1, 3 and 4; 254A.03, Subdivision 1; 254A.05, Subdivision 1; 254A.07, Subdivision 2; 254A.08, Subdivision 1;

256E.03, Subdivision 2; 256E.04, Subdivision 1; 256E.05, Subdivisions 2 and 3; 256E.06, Subdivisions 2, 4, and 5; 256E.07, Subdivision 2; 256E.08, Subdivisions 1 and 7; 256E.09, Subdivisions 1, 3, and by adding a subdivision; 256E.10; and 256E.12, Subdivision 3; repealing Minnesota Statutes 1980, Sections 245.67; 245.68; 245.72; 245.84, Subdivision 2; 245.87; 252.26; 252.27, Subdivisions 1, 2 and 3; 256E.06, Subdivision 11; 256E.07, Subdivision 1; 256E.08, Subdivision 9; and 261.27.

Referred to the Committee on Health, Welfare and Corrections.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Mr. Frederick moved that his name be stricken as co-author to S. F. No. 713. The motion prevailed.

Mr. Engler moved that his name be stricken as co-author to S. F. No. 713. The motion prevailed.

Mrs. Lantry moved that the name of Mr. Stern be added as co-author to S. F. No. 713. The motion prevailed.

Mrs. Lantry moved that the name of Mr. Purfeerst be added as co-author to S. F. No. 713. The motion prevailed.

MEMBERS EXCUSED

Mr. Wegener was excused from this evening's Session.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that the Senate do now adjourn until 7:00 p.m., Tuesday, April 14, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRTY-FOURTH DAY

St. Paul, Minnesota, Tuesday, April 14, 1981

The Senate met at 7:00 p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Msgr. John P. Sankovitz.

The roll was called, and the following Senators answered to their names:

Ashbach	Dicklich	Kronebusch	Penny	Sikorski
Bang	Dieterich	Langseth	Peterson, C.C.	Solon
Belanger	Engler	Lantry	Peterson, D.L.	Spear
Benson	Frank	Lessard	Peterson, R.W.	Stern
Berg	Frederick	Lindgren	Petty	Stokowski
Berglin	Frederickson	Luther	Pillsbury	Stumpf
Bernhagen	Hughes	Menning	Purfeerst	Taylor
Bertram	Humphrey	Merriam	Ramstad	Tennessen
Brataas	Johnson	Moe, D.M.	Renneke	Ulland
Chmielewski	Keefe	Moe, R.D.	Ried	Vega
Dahl	Knoll	Nelson	Schmitz	Waldorf
Davies	Knutson	Olhoft	Setzepfandt	Wegener
Davis	Kroening	Pehler	Sieloff	Willet

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Mr. Hanson was excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

April 13, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S. F. No. 171.

Sincerely yours,

Albert H. Quie, Governor

April 13, 1981

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

The Honorable Jack Davies
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1981 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1981	Date Filed 1981
	44	23	April 13	April 13
	45	24	April 13	April 13
171		25	April 13	April 13

Sincerely,

Joan Anderson Growe
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S. F. Nos. 331 and 347.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 13, 1981

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. 336: A bill for an act relating to local government; making explicit the power of local government units to establish more than one recreation board; amending Minnesota Statutes 1980, Section 471.15.

Senate File No. 336 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Mr. Moe, R. D. moved that S. F. No. 336 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. 396, 562 and 486.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 13, 1981

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees

indicated.

H. F. No. 396: A bill for an act relating to the military; requiring the adjutant general to furnish an American flag upon request of the person disposing of the remains of a deceased person who served six years or more in the Minnesota national guard; proposing new law coded in Minnesota Statutes, Chapter 192.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 745, now on the Calendar.

H. F. No. 562: A bill for an act relating to agriculture; regulating fertilizers and soil and plant amendments; providing a penalty; amending Minnesota Statutes 1980, Sections 17.711; 17.713; 17.714; 17.716, by adding subdivisions; 17.717, Subdivisions 4, 5 and by adding a subdivision; 17.718, Subdivision 1; 17.719; 17.72; 17.721; 17.722; 17.723; 17.725; 17.726; 17.727; 17.728, Subdivision 1; 17.729; repealing Minnesota Statutes 1980, Section 17.717, Subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

H. F. No. 486: A resolution memorializing the Congress and the President of the United States to avoid direct military involvement in El Salvador.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 457, now on General Orders.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 283: A bill for an act relating to agriculture; providing for contracts for deed in the family farm security program; amending Minnesota Statutes 1980, Sections 41.52, Subdivisions 5, 8 and 9; and 41.58, Subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 2, delete the new language

Page 2, line 3, after "rates" insert "*or by a contract for deed*"

Page 2, line 10, delete "*sellep-sponsored*" and insert "*seller-sponsored*"

Page 2, after line 11, insert:

"Sec. 4. Minnesota Statutes 1980, Section 41.56, Subdivision 3, is amended to read:

Subd. 3. [DEFAULT, FILING CLAIM.] Within 90 days of a default on a guaranteed family farm security loan, the lender shall send notice to the applicant stating that the commissioner must be notified if the default continues for 180 days, and the consequences of that default. The lender and the applicant may agree to take any steps reasonable to assure the fulfillment of the loan

obligation.

After 180 days from the initial default, if the applicant has not made arrangements to meet his obligation, the lender shall file a claim with the commissioner, identifying the loan and the nature of the default, and assigning to the state all of the lender's security and interest in the loan in exchange for payment according to the terms of the family farm security loan guarantee. In the case of a seller-sponsored loan, the seller may elect to pay the commissioner all sums owed the commissioner by the applicant and retain title to the property in lieu of payment by the commissioner under the terms of the loan guarantee. If the commissioner determines that the terms of the family farm security loan guarantee have been met, he shall authorize payment of state funds to the lender, and shall notify the defaulting party. The state of Minnesota shall then ~~become the holder of the mortgage and~~ *succeed to the interest of the mortgagee or the vendor of the contract for deed.* Taxes shall be levied and paid on the land as though the owner were a natural person and not a political subdivision of the state. The commissioner may, on behalf of the state, commence foreclosure *or termination* proceedings in the manner provided by law."

Page 2, after line 21, insert:

"Sec. 6. Minnesota Statutes 1980, Section 290.01, Subdivision 20, is amended to read:

Subd. 20. [GROSS INCOME.] Except as otherwise provided in this chapter, the term "gross income," as applied to corporations includes every kind of compensation for labor or personal services of every kind from any private or public employment, office, position or services; income derived from the ownership or use of property; gains or profits derived from every kind of disposition of, or every kind of dealing in, property; income derived from the transaction of any trade or business; and income derived from any source; except that gross income shall not include "exempt function income" of a "homeowners association" as those terms are defined in Section 528 of the Internal Revenue Code of 1954, as amended through December 31, 1979.

The term "gross income" in its application to individuals, estates, and trusts shall mean the adjusted gross income as computed for federal income tax purposes as defined in the Internal Revenue Code of 1954, as amended through the date specified herein for the applicable taxable year, with the modifications specified in this section.

(i) The Internal Revenue Code of 1954, as amended through December 31, 1974, shall be in effect for the taxable years beginning after December 31, 1974.

(ii) The Internal Revenue Code of 1954, as amended through December 31, 1976, including the amendments made to section 280A (relating to licensed day care centers) in H.R. 3477 as it passed the Congress on May 16, 1977, shall be in effect for the taxable years beginning after December 31, 1976. The provisions of the Tax Reform Act of 1976, P.L. 94-455, which affect adjusted gross income shall become effective for purposes of this chapter at the same time they become effective for federal income tax purposes. Section 207 (relating to extension of period for nonrecognition of gain on sale or exchange of residence) and section 402 (relating to time for making contributions to pension plans of self employed people) of P.L. 94-12 shall be effective for

taxable years beginning after December 31, 1974.

The provisions of section 4 of P.L. 95-458, and sections 131, 133, 134, 141, 152, 156, 157, and 405 of P.L. 95-600 (relating to pensions, individual retirement accounts, deferred compensation plans, and to the sale of a residence) shall be effective at the same time that these provisions became effective for federal income tax purposes.

(iii) The Internal Revenue Code of 1954, as amended through December 31, 1979, shall be in effect for taxable years beginning after December 31, 1979.

For taxable years beginning after December 31, 1980 and before January 1, 1983, the provisions of section 404 (relating to partial exclusions of dividends and interest received by individuals) of the Crude Oil Windfall Profit Tax Act of 1980, P.L. 96-223, shall apply.

References to the Internal Revenue Code of 1954 in clauses (a), (b) and (c) following shall mean the code in effect for the purpose of defining gross income for the applicable taxable year.

(a) Modifications increasing federal adjusted gross income. There shall be added to federal adjusted gross income:

(1) Interest income on obligations of any state other than Minnesota or a political subdivision of any other state exempt from federal income taxes under the Internal Revenue Code of 1954;

(2) Interest income on obligations of any authority, commission, or instrumentality of the United States, which the laws of the United States exempt from federal income tax, but not from state income taxes;

(3) Income taxes imposed by this state or any other taxing jurisdiction, to the extent deductible in determining federal adjusted gross income and not credited against federal income tax;

(4) Interest on indebtedness incurred or continued to purchase or carry securities the income from which is exempt from tax under this chapter, to the extent deductible in determining federal adjusted gross income;

(5) Amounts received as reimbursement for an expense of sickness or injury which was deducted in a prior taxable year to the extent that the deduction for the reimbursed expenditure resulted in a tax benefit;

(6) The amount of any federal income tax overpayment for any previous taxable year, received as refund or credited to another taxable year's income tax liability, proportionate to the percentage of federal income tax that was claimed as a deduction in determining Minnesota income tax for the previous taxable year.

The overpayment refund or credit, determined with respect to a husband and wife on a joint federal income tax return for a previous taxable year, shall be reported on joint or separate Minnesota income tax returns. In the case of separate Minnesota returns, the overpayment shall be reported by each spouse proportionately according to the relative amounts of federal income tax claimed as a deduction on his or her separate Minnesota income tax return for such previous taxable year;

(7) In the case of a change of residence from Minnesota to another state or

nation, the amount of moving expenses which exceed total reimbursements and which were therefore deducted in arriving at federal adjusted gross income;

(8) In the case of property disposed of on or after January 1, 1973, the amount of any increase in the taxpayer's federal tax liability under section 47 of the Internal Revenue Code of 1954 to the extent of the credit under section 38 of the Internal Revenue Code of 1954 that was previously allowed as a deduction either under section 290.01, subdivision 20 (b) (7) or under section 290.09, subdivision 24;

(9) Expenses and losses arising from a farm which are not allowable under section 290.09, subdivision 29;

(10) Expenses and depreciation attributable to substandard buildings disallowed by section 290.101;

(11) The amount by which the gain determined pursuant to section 41.59, subdivision 2 exceeds the amount of such gain included in federal adjusted gross income;

(12) To the extent deducted in computing the taxpayer's federal adjusted gross income for the taxable year, losses recognized upon a transfer of property to the spouse or former spouse of the taxpayer in exchange for the release of the spouse's marital rights;

(13) Interest income from qualified scholarship funding bonds as defined in section 103(e) of the Internal Revenue Code of 1954, if the nonprofit corporation is domiciled outside of Minnesota;

(14) Exempt-interest dividends, as defined in section 852(b)(5)(A) of the Internal Revenue Code of 1954, not included in federal adjusted gross income pursuant to section 852(b)(5)(B) of the Internal Revenue Code of 1954, except for that portion of exempt-interest dividends derived from interest income on obligations of the state of Minnesota, any of its political or governmental subdivisions, any of its municipalities, or any of its governmental agencies or instrumentalities;

(15) The amount of any excluded gain recognized by a trust on the sale or exchange of property as defined in section 641(c)(1) of the Internal Revenue Code of 1954;

(16) An amount equal to one-sixth of any gain from the sale or other disposition of property deducted under sections 1202(a) and 1202(c)(1) of the Internal Revenue Code of 1954;

(17) To the extent not included in the taxpayer's federal adjusted gross income, the amount of any gain, from the sale or other disposition of property having a lower adjusted basis for Minnesota income tax purposes than for federal income tax purposes. This modification shall not exceed the difference in basis. If the gain is considered a long term capital gain for federal income tax purposes, the modification shall be limited to 50 percent of the portion of the gain. This modification is limited to property that qualified for the energy credit contained in section 290.06, subdivision 14, and to property acquired in exchange for the release of the taxpayer's marital rights contained in section 290.14, clause (9);

(18) The amount of any loss from a source outside of Minnesota which is not

allowed under section 290.17 including any capital loss or net operating loss carryforwards or carrybacks resulting from the loss; and

(19) The amount of a distribution from an individual housing account which is to be included in gross income as required under clause (c) of section 290.09, subdivision 30.

(b) Modifications reducing federal adjusted gross income. There shall be subtracted from federal adjusted gross income:

(1) Interest income on obligations of any authority, commission or instrumentality of the United States to the extent includible in gross income for federal income tax purposes but exempt from state income tax under the laws of the United States;

(2) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis for Minnesota income tax purposes than for federal income tax purposes, that does not exceed such difference in basis; but if such gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to 50 per centum of the portion of the gain. This modification shall not be applicable if the difference in basis is due to disallowance of depreciation pursuant to section 290.101.

(3) Interest or dividend income on securities to the extent exempt from income tax under the laws of this state authorizing the issuance of the securities but includible in gross income for federal income tax purposes;

(4) Losses, not otherwise reducing federal adjusted gross income assignable to Minnesota, arising from events or transactions which are assignable to Minnesota under the provisions of sections 290.17 to 290.20, including any capital loss or net operating loss carryforwards or carrybacks resulting from the losses;

(5) If included in federal adjusted gross income, the amount of any credit received, whether received as a refund or credit to another taxable year's income tax liability, pursuant to chapter 290A, and the amount of any overpayment of income tax to Minnesota, or any other state, for any previous taxable year, whether the amount is received as a refund or credited to another taxable year's income tax liability;

(6) To the extent included in federal adjusted gross income, or the amount reflected as the ordinary income portion of a lump sum distribution under section 402(e) of the Internal Revenue Code of 1954, notwithstanding any other law to the contrary, the amount received by any person (i) from the United States, its agencies or instrumentalities, the Federal Reserve Bank or from the state of Minnesota or any of its political or governmental subdivisions or from any other state or its political or governmental subdivisions, or a Minnesota volunteer firefighter's relief association, by way of payment as a pension, public employee retirement benefit, or any combination thereof, or (ii) as a retirement or survivor's benefit made from a plan qualifying under section 401, 403, 404, 405, 408, 409 or 409A of the Internal Revenue Code of 1954. The maximum amount of this subtraction shall be $11,000 less the amount by which the individual's federal adjusted gross income, plus the ordinary income portion of a lump sum distribution as defined in section 402(e) of the Internal Revenue Code of 1954, exceeds $17,000. In the case of a volunteer firefighter who receives an involuntary lump sum distribution of his

pension or retirement benefits, the maximum amount of this subtraction shall be $11,000; this subtraction shall not be reduced by the amount of the individual's federal adjusted gross income in excess of $17,000;

(7) In the case of property acquired on or after January 1, 1973, the amount of any credit to the taxpayer's federal tax liability under section 38 of the Internal Revenue Code of 1954 but only to the extent that the credit is connected with or allocable against the production or receipt of income included in the measure of the tax imposed by this chapter;

(8) To the extent included in the taxpayer's federal adjusted gross income for the taxable year, gain recognized upon a transfer of property to the spouse or former spouse of the taxpayer in exchange for the release of the spouse's marital rights;

(9) The amount of any distribution from a qualified pension or profit sharing plan included in federal adjusted gross income in the year of receipt to the extent of any contribution not previously allowed as a deduction by reason of a change in federal law which was not adopted by Minnesota law for a taxable year beginning in 1974 or later;

(10) Interest, including payment adjustment to the extent that it is applied to interest, earned by the seller of the property on a family farm security loan executed before January 1, 1982 that is guaranteed by the commissioner of agriculture as provided in sections 41.51 to 41.60;

(11) The first $3,000 of compensation for personal services in the armed forces of the United States or the United Nations, and the next $2,000 of compensation for personal services in the armed forces of the United States or the United Nations wholly performed outside the state of Minnesota. This modification does not apply to compensation defined in clause (b)(6);

(12) The amount of any income earned for personal services rendered outside of Minnesota prior to the date when the taxpayer became a resident of Minnesota. This modification does not apply to compensation defined in clause (b)(6);

(13) In the case of wages or salaries paid or incurred on or after January 1, 1977, the amount of any credit for employment of certain new employees under sections 44B and 51 to 53 of the Internal Revenue Code of 1954 which is claimed as a credit against the taxpayer's federal tax liability, but only to the extent that the credit is connected with or allocable against the production or receipt of income included in the measure of the tax imposed by this chapter;

(14) In the case of work incentive program expenses paid or incurred on or after January 1, 1979, the amount of any credit for expenses of work incentive programs under sections 40, 50A and 50B of the Internal Revenue Code of 1954 which is claimed as a credit against the taxpayer's federal tax liability, but only to the extent that the credit is connected with or allocable against the production or receipt of income included in the measure of the tax imposed by this chapter;

(15) Unemployment compensation to the extent includible in gross income for federal income tax purposes under section 85 of the Internal Revenue Code of 1954;

(16) To the extent included in federal adjusted gross income, severance pay

that may be treated as a lump sum distribution under the provisions of section 290.032, subdivision 5;

(17) The amount of any income or gain which is not assignable to Minnesota under the provisions of section 290.17; ~~and~~

(18) Minnesota exempt-interest dividends as provided by subdivision 27; *and*

(19) To the extent included in federal adjusted gross income, interest earned by a taxpayer who is at least 62 years of age on a contract for deed which resulted from the sale of farm land, as defined in section 41.52, subdivision 6, to a purchaser who met the criteria in section 41.55, clauses (a), (c), (d), and (f), and the requirements of section 41.55, clause (b), if appropriate education programs are available, as determined by the department of agriculture at the time of the sale. This clause applies only to contracts for deed made on or after the effective date of this section.

(c) Modifications affecting shareholders of electing small business corporations under section 1372 of the Internal Revenue Code of 1954, or section 290.972 of this chapter.

(1) Shareholders in a small business corporation, which has elected to be so taxed under the Internal Revenue Code of 1954, but has not made an election under section 290.972 of this chapter, shall deduct from federal adjusted gross income the amount of any imputed income from the corporation and shall add to federal adjusted gross income the amount of any loss claimed as a result of stock ownership. Also there shall be added to federal adjusted gross income the amount of any distributions in cash or property made by said corporation to its shareholders during the taxable year.

(2) In cases where the small business corporation has made an election under section 1372 of the Internal Revenue Code of 1954, but has not elected under section 290.972 of this chapter and the corporation is liquidated or the individual shareholder disposes of the stock and there is no capital loss reflected in federal adjusted gross income because of the fact that corporate losses have exhausted the shareholders basis for federal purposes, the shareholders shall be entitled, nevertheless, to a capital loss commensurate to their Minnesota basis for the stock.

(3) In cases where the election under section 1372 of the Internal Revenue Code of 1954 antedates the election under section 290.972 of this chapter and at the close of the taxable year immediately preceding the effective election under section 290.972 the corporation has a reserve of undistributed taxable income previously taxed to shareholders under the provisions of the Internal Revenue Code of 1954, in the event and to the extent that the reserve is distributed to shareholders the distribution shall be taxed as a dividend for purposes of this act.

Items of gross income includible within these definitions shall be deemed such regardless of the form in which received. Items of gross income shall be included in gross income of the taxable year in which received by a taxpayer unless properly to be accounted for as of a different taxable year under methods of accounting permitted by section 290.07, except that (1) amounts transferred from a reserve or other account, if in effect transfers to surplus, shall, to the extent that the amounts were accumulated through deductions from gross

income or entered into the computation of taxable net income during any taxable year, be treated as gross income for the year in which the transfer occurs, but only to the extent that the amounts resulted in a reduction of the tax imposed by this act, and (2) amounts received as refunds on account of taxes deducted from gross income during any taxable year shall be treated as gross income for the year in which actually received, but only to the extent that such amounts resulted in a reduction of the tax imposed by this act.

(d) Modification in computing taxable income of the estate of a decedent. Amounts allowable under section 291.07, subdivision 1, clause (2) in computing Minnesota inheritance or estate tax liability shall not be allowed as a deduction in computing the taxable income of the estate unless there is filed within the time and in the manner and form prescribed by the commissioner a statement that the amounts have not been allowed as a deduction under section 291.07 and a waiver of the right to have the amounts allowed at any time as deductions under section 291.07. The provisions of this paragraph shall not apply with respect to deductions allowed under section 290.077 (relating to income in respect of decedents). In the event that the election made for federal tax purposes under section 642(g) of the Internal Revenue Code of 1954 differs from the election made under this paragraph appropriate modification of the estate's federal taxable income shall be made to implement the election made under this paragraph in accordance with regulations prescribed by the commissioner.

Sec. 7. [EFFECTIVE DATE.]

Section 6 is effective for taxable years beginning after December 31, 1980."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "providing for exclusion from gross income of interest from contracts for deed for farmland for certain older taxpayers;"

Page 1, line 5, after the semicolon, delete "and" and insert "41.56, Subdivision 3;"

Page 1, line 5, before the period, insert "; and 290.01, Subdivision 20"

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 1218: A bill for an act relating to the environment; providing approval authority for critical areas only to the legislature; providing plan and regulation approval authority to the state planning agency; permanently designating the Mississippi River Corridor Critical Area; amending Minnesota Statutes 1980, Sections 116G.03, by adding a subdivision; 116G.04; 116G.06; 116G.07; 116G.08; 116G.09, Subdivisions 1, 3, and 4; 116G.10; 116G.12, Subdivision 4; and 116G.14; proposing new law coded in Minnesota Statutes, Chapter 116G; repealing Minnesota Statutes 1980, Section 116G.09, Subdivision 2.

Reports the same back with the recommendation that the bill be amended as

follows:

Page 5, line 11, after the second "*director*" insert "*within 45 days of receiving the designated review body's recommendation*"

Page 5, line 18, after the period, insert "*The director's decision shall be final unless modified or reversed by the board pursuant to subdivision 6.*"

Page 6, line 10, after the period insert "*The director's decision shall be final unless modified or reversed by the board pursuant to subdivision 6.*"

Page 6, after line 19, insert:

"*Subd. 6. The director shall transmit to the board copies of any letter of approval or statement of need for modification issued under subdivisions 2 or 5. The director's decision shall become final unless the board at its next meeting more than 14 days from the date of transmittal determines to review the affected plans and regulations for consistency with the designation order. If the board determines to review the plans and regulations, the board shall affirm, modify or reverse the director's decision within 45 days of its determination to review.*

Upon completion of the board's review, the director shall issue, as necessary, a new letter of approval or statement of need for modification consistent with the determination of the board."

Page 6, line 20, strike "(c)" and insert "*Subd. 7.*"

Page 6, line 20, strike "or" and insert "*and*"

Page 6, line 24, delete "*a*" and insert "*his*"

Page 6, line 25, delete "*when enacted*" and insert "*after enactment*"

Page 8, line 28, reinstate the stricken "board" and delete "*director*"

Page 8, line 36, reinstate the stricken "board" and delete "*director*"

Page 9, line 18, after "*director*" insert "*in accordance with rules adopted by the board*"

Page 9, line 18, delete "*adopt and*"

Page 9, line 19, delete "*administer rules*"

Page 9, line 19, strike "for dispersing" and insert "*disperse*"

Page 10, after line 3, insert:

"Sec. 13. [STAFF COMPLEMENT AND BUDGET TRANSFER.]

The critical area staff complement and activity budget shall be transferred from the environmental quality board program to the state planning agency coordination program."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, before the semicolon, insert "within the Twin Cities metropolitan area"

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. 1074: A bill for an act relating to natural resources; extending the permissible term of agricultural leases of state peat lands; amending Minnesota Statutes 1980, Section 92.50, Subdivision 1.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 998: A bill for an act relating to education; creating a raptor research and rehabilitation program in the veterinary school of the University of Minnesota; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 137.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 890: A bill for an act relating to wild animals; increasing the amount of the reward which may be paid for information relating to game law violations; amending Minnesota Statutes 1980, Section 97.51.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 1095: A bill for an act relating to the department of economic security; authorizing financial assistance to community action agencies; defining terms; providing a formula for the distribution of funds; proposing new law coded as Minnesota Statutes, Chapter 268A.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete lines 25 and 26

Page 2, delete lines 1 to 6 and insert:

"*Subd. 2.* [ALLOCATION OF FUNDS AMONG COMMUNITY ACTION AGENCIES.] *Funds appropriated for the purpose of subdivision 1 shall be allocated to community action agencies so that each agency's share of the appropriation is determined as follows:*

(a) If the appropriation of funds for community action agencies shall be equal to that available in fiscal years 1979 and 1980, there shall be in place a "hold-harmless" provision for the allocation of funds among community action agencies. For purposes of this act, "hold-harmless" shall be defined as the amount of funding received by a community action program under the Economic Opportunity Grant Program in fiscal year 1980.

(b) If the appropriation of funds for community action agencies shall be

decreased from the amount available in fiscal years 1979 and 1980, the reduction shall be made proportional as a percentage of the funds received under the Minnesota Economic Opportunity Grant Program by each community action agency in fiscal year 1980.

(c) If the appropriation of funds for community action agencies shall be increased from the amount available in fiscal years 1979 and 1980, the "hold-harmless" provision of subdivision 2, clause (a), shall be in effect. Funds appropriated in excess of the amount of the 1980 appropriation shall be allocated to those community action agencies whose 1980 funding level is less than its proportionate share of the poverty level population served as compared to the size of the poverty level population in the state. For the purposes of this act, "poverty level population" shall be defined as the number of people whose household income is below the poverty line established by the U.S. Department of Commerce, Bureau of the Census. These excess funds shall be allocated proportionally among these agencies in relation to their level of deviation from the mean "dollars per poor person" among all agencies receiving funds under this act."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was re-referred

S. F. No. 315: A bill for an act relating to health; establishing a state advisory council on epilepsy; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [ADVISORY TASK FORCE ON EPILEPSY.]

Subdivision 1. [CREATION.] *There is created in the legislative branch an advisory task force to study and report on the status of programs, services, and facilities for epileptic persons in Minnesota.*

Subd. 2. [MEMBERSHIP.] *The task force shall consist of the commissioners of education, health, public welfare, economic security, and insurance, or their designees; five members of the house of representatives appointed by the speaker; five members of the senate appointed by the subcommittee on committees of the senate rules and administration committee; one member appointed by the council for the handicapped; and ten citizens appointed by the governor. The governor shall appoint persons who are interested in the problems of epileptics and shall appoint representatives of medicine, law, education, organized labor, and social services organizations. The governor shall appoint at least five persons who have epilepsy or are parents of persons with epilepsy. Members shall serve until the expiration date of this section or until the expiration of their legislative terms. The compensation of non-legislator members, their removal from office, and the filling of vacancies shall be as provided in Minnesota Statutes, Section 15.059, Subdivisions 3 and 4. The task force may hold meetings and hearings to accomplish its purposes and shall select from among its members a chairperson and any other appropriate officer.*

Subd. 3. [DUTIES.] *The task force shall study all matters related to persons with epilepsy in Minnesota, including their needs for private and public facilities and services, the nature of laws and rules related to them, and the availability of adequate public and private epilepsy prevention and control programs. The task force shall analyze the findings and recommendations of the national commission for the control of epilepsy and its consequences and shall report to the governor and the legislature by June 30, 1983, with specific findings and recommendations for implementing the ideas of the national report that are applicable to this state. The task force may also include findings and recommendations unrelated to the national report if they are related to encouraging the development of coordinated public and private programs, services, and facilities for persons with epilepsy.*

Subd. 4. [EXECUTIVE DIRECTOR; STAFF.] *The task force may select an executive director by a vote of a majority of all task force members. The executive director shall be in the unclassified service of the state and shall act as secretary to the task force and perform other duties as the task force may require. Upon recommendation of the executive director, the task force may approve employment of clerical and other employees in the unclassified service as the task force deems necessary. The selection and compensation of the executive director and other staff shall require the approval of the legislative coordinating commission. The executive director shall be reimbursed for all actual and necessary expenses incurred as a result of task force responsibilities. Reimbursement shall be made pursuant to the rules governing other legislative employees.*

Subd. 5. [SPACE; SERVICES.] *The legislative coordinating commission shall supply the task force with office space and administrative services. The task force has the right to call upon and receive from state departments, agencies, and institutions any technical advice and service which is reasonably necessary to fulfill the purposes of the task force, subject to the restrictions of the data privacy act.*

Subd. 6. [ACCEPTANCE OF GIFTS.] *When any person, any corporation, the United States government, or any other entity offers money to the task force by way of gift, grant or loan, for the purpose of assisting the task force to carry out its duties, the task force may accept the offer by majority vote and, upon acceptance, the chairperson shall receive the money subject to the terms of the offer, but no money shall be accepted or received as a loan nor shall any indebtedness be incurred except in the manner and under the limitations otherwise provided by law.*

Sec. 2. [REPEALER.]

Section 1 is repealed June 30, 1983.

Sec. 3. [APPROPRIATION.]

There is appropriated from the general fund to the legislative coordinating commission the sum of $..... to pay expenses incurred by the task force. This appropriation is available until June 30, 1983."

Amend the title as follows:

Page 1, line 3, delete "council" and insert "task force"

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 Public Employees and Pensions, to which was referred

S. F. No. 690: A bill for an act relating to retirement; contributions and benefits of judges and survivors under the uniform retirement and survivors' annuities law; amending Minnesota Statutes 1980, Section 490.124, Subdivisions 9 and 12.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S. F. No. 556: A bill for an act relating to motor vehicles; providing for registration and regulating the display of plates and insignia; providing exemptions from registration and taxation for nonresident servicemen; specifying the time when the tax is due and payable; amending Minnesota Statutes 1980, Sections 168.04, Subdivision 1; 168.09, Subdivisions 1 and 3; and 168.31, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, lines 20, 24, and 26, strike "That"

Page 2, line 2, strike "That" and strike "shall be" and insert "*is*"

Page 2, line 4, strike "that"

Page 2, line 18, strike "shall have been" and insert "*is*"

Page 2, line 18, strike "hereinafter required" and insert " *provided in this section*"

Page 2, line 19, strike "herein" and insert "*as*"

Page 2, line 19, strike "shall have been duly" and insert " *in this chapter are*"

Page 2, line 20, strike "therefor shall be duly" and insert "*for the motor vehicle are*"

Page 2, line 23, strike "herein"

Page 2, line 23, after "provided" insert "*in this chapter*"

Page 2, line 24, strike "shall"

Page 2, line 25, strike "have been duly" and insert "*is*"

Page 2, line 25, strike "herein"

Page 2, line 25, after "provided" insert "*in this section*"

Page 2, line 25, strike "duly"

Page 2, line 28, strike ", provided that"

Page 3, line 6, before "*the*" insert "*if*"

Page 3, line 35, strike "herein" and insert "*as provided in this section*"

Page 4, line 15, strike "shall be" and insert "*is*"

Page 4, line 17, strike "such" and insert "*those*"

Page 4, line 22, strike "same" and insert "*tax*"

Page 4, line 24, delete "*shall be*" and insert "*is*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S. F. No. 804: A bill for an act relating to motor vehicles; providing for the re-registration of certain motor vehicles and combinations of vehicles; defining gross vehicle weight; exempting certain vehicles from certain weight limitations; establishing gross weight limitations on certain highways for certain motor vehicles and combinations of vehicles; providing exceptions to certain gross weight limitations; providing for the designation and undesignation of certain routes; providing for the weighing of certain vehicles and combinations of vehicles and the enforcement of weight limitations; allowing the use of certain documents as relevant evidence of exceeding vehicle weight limits, and providing exceptions; requiring record keeping for shipments loaded or unloaded, and providing exceptions; imposing civil and criminal penalties; amending Minnesota Statutes 1980, Sections 168.013, Subdivision 3; 169.01, Subdivision 46; 169.03, Subdivision 6; 169.832, Subdivision 11; 169.85; 169.851; 169.86, Subdivision 1a; 169.87, Subdivision 2; 169.871; 169.872; proposing new law coded in Minnesota Statutes, Chapter 169; repealing Minnesota Statutes 1980, Sections 169.83; 169.832, Subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 12; and 169.834.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 30, strike "CANCELATION" and insert "*CANCELLATION*"

Page 1, line 32, strike "among other"

Page 1, line 33, strike "things,"

Page 2, line 16, strike "such" and insert "*the*"

Page 2, line 34, delete "*of this act*"

Page 2, line 36, strike "on him"

Page 3, line 3, strike "of which"

Page 3, line 10, strike "such a" and insert "*the*"

Page 3, lines 11, 15, and 27, delete "*of this act*"

Page 3, line 13, strike "be deemed to"

Page 3, line 16, strike "such"

Page 3, line 17, strike "herein"

Page 3, line 17, after "provided" insert "*in this section*"

Page 3, line 19, strike "by"

Page 3, line 20, strike "him"

Page 3, line 28, strike "on him"

Page 3, line 30, strike "same" and insert "*vehicle*"

Page 3, line 30, strike "canceled" and insert "*cancelled*"

Page 3, line 32, strike "so"

Page 3, line 33, strike "canceled" and insert "*cancelled*"

Page 4, line 3, strike "be" and insert "*is*"

Page 4, line 5, strike "has been" and insert "*is*"

Page 4, line 6, strike "again"

Page 4, line 9, strike "therefor"

Page 4, line 26, strike "roadway of a"

Page 4, line 27, before "persons" insert "*those*"

Page 4, line 27, reinstate the second "such"

Page 4, line 33, after "*of*" insert "*the state or*"

Page 4, line 33, after "*a*" insert "*local*"

Page 5, line 30, delete "*550*" and insert "*600*"

Page 5, line 34, after "*pounds*" insert ", *except that for vehicles to which an additional axle has been added prior to June 1, 1981, the maximum gross weight on any axle of a tridem shall not exceed 16,000 pounds and the gross weight of the tridem combination shall not exceed 37,000 pounds where the first and third axles of the tridem are spaced seven feet apart; 38,500 pounds where the first and third axles of the tridem are spaced eight feet apart; and 39,900 pounds where the first and third axles of the tridem are spaced nine feet apart*"

Page 5, after line 34, insert:

"*(e) Where the gross weight on any group of axles exceeds the weights permitted under this section with any or all of the interior axles disregarded and their gross weights subtracted from the gross weight of all axles of the vehicle.*"

Page 6, delete lines 32 to 36 and insert:

"*5*	*34,000*		
	(35,000)		
6	*34,000*		
	(36,000)		
7	*34,000*	*41,500*	
	(37,000)		
8	*34,000*	*42,000*	
	(38,000)		
9	*35,000*	*43,000*	
	(39,000)	"	

Page 7, delete lines 1 and 2 and insert:

"*10*	*36,000*	*43,500*	*49,000*	
	(40,000)			
11	*36,000*	*44,500*	*49,500*	"

Page 8, line 17, delete "*axels*" and insert "*axles*"

Page 8, after line 18, insert:

"*14*	*57,000*	
15	*57,500*	"

Page 9, line 36, after "*axles*" insert "*or less*"

Page 10, line 7, delete "*which*" and insert "*that*"

Page 10, line 8, delete "*prior to*" and insert "*before*"

Page 10, line 8, delete "*this act*" and insert "*sections 1 to 12*"

Page 10, line 35, delete "*which*" and insert "*that*"

Page 11, line 19, after "*listed*" insert "*for routes not designated under section 169.832*"

Page 11, line 25, delete "*five*" and insert "*four*"

Page 11, line 25, after "*axles*" insert "*unless the additional axles are steering axles or castering axles*"

Page 11, line 26, delete "*herein*"

Page 11, line 26, after "*provided*" insert "*in this section*"

Page 11, line 36, after the period, insert "*The provisions of this subdivision do not apply to any truck weighing not more than 57,000 pounds and registered in this state as a farm truck under section 168.013, subdivision 1c, on July 1, 1981.*"

Page 12, line 4, delete "*therein*" and insert "*within that city*"

Page 12, line 10, delete "*of this*"

Page 12, line 11, delete "*act*"

Page 13, line 6, strike "Any police officer"

Page 13, line 7, strike everything after the stricken "unlawful"

Page 13, line 8, strike "driver" and delete "*of a vehicle*"

Page 13, line 8, strike "to stop and" and insert "*The driver of any vehicle which has been lawfully stopped may be required by a peace officer to*"

Page 13, line 8, after "*the vehicle*" insert "*and load*"

Page 13, line 10, after "and" insert "*the peace officer*"

Page 13, line 22, delete "*being*"

Page 13, line 26, delete "*vehicle*" and insert "*truck*"

Page 13, line 27, delete "*except buses*" and insert "*and the driver of every charter bus*"

Page 13, line 28, delete "*registered in this state*"

Page 13, line 30, strike "above" and insert "*in this section*"

Page 13, line 35, delete "*of this act*"

Page 14, line 1, delete "*of*"

Page 14, line 2, delete "*this act*"

Page 14, lines 3, 8, 10, and 13, delete "*of this act*"

Page 14, line 16, strike "such" and insert "*the*"

Page 14, line 17, strike "such" and insert "*the*"

Page 14, line 19, strike "herein" and insert "*in this section*"

Page 14, line 22, strike "shall be" and insert "*is*"

Page 14, line 34, after "*production*" insert "*or the nearest scale beyond the 35 mile limitation that is state approved, open, accessible, and is in the general direction the vehicle is proceeding*"

Page 15, lines 32 and 34, delete "*of this act*"

Page 16, line 25, after the stricken "Duluth" insert "*From March 20 to May 15 of each year,*"

Page 16, line 36, delete "*of this act*"

Page 17, line 3, delete "*of this act*"

Page 17, after line 26, insert:

"*Any penalty imposed upon a defendant under this section shall not exceed the maximum penalty prescribed by this subdivision. Any fine paid by the defendant in a criminal overweight action that arose from the same overweight violation shall be applied toward payment of the civil penalty.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 655: A bill for an act relating to financial institutions; authorizing demand deposits for members of credit unions; permitting the purchase and sale of loans; amending Minnesota Statutes 1980, Section 52.04.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 36, after the stricken word "union" insert " *provided, that any credit union proposing to permit draft withdrawals shall notify the commissioner of banks, in the form prescribed, of its intent not less than 90 days prior to authorizing draft withdrawals*"

Page 3, line 1, delete "*and*" and strike the rest of the line

Page 3, line 2, strike "members"

Page 4, lines 15 to 19, delete the new language and insert:

"*(20) In addition to the sale of loans secured by a first lien on real estate, to sell, pledge, discount, or otherwise dispose of, in whole or in part, to any source, a loan or group of loans, other than a self-replenishing line of credit; provided, that within a calendar year beginning January 1 the total dollar value of loans sold, other than loans secured by real estate or insured by a state or federal agency, shall not exceed 25 percent of the dollar amount of all loans and participating interests in loans held by the credit union at the beginning of the calendar year, unless otherwise authorized in writing by the commissioner*"

Page 4, after line 25, insert:

"Sec. 2. Minnesota Statutes 1980, Section 52.19, is amended to read:

52.19 [EXPULSION OR WITHDRAWAL OF MEMBERS.]

A member may be expelled by a two-thirds vote of the members present at a

special meeting called to consider the matter, but only after a hearing. Any member may withdraw from the credit union at any time, but notice of withdrawal may be required. All amounts paid on shares or as deposits of an expelled or withdrawing member, with any dividends or interest accredited thereto, to the date thereof, shall, as funds become available and after deducting all amounts due from the member to the credit union *and an amount as necessary to honor outstanding share drafts drawn against the accounts of the member*, be paid to him. The credit union may require 60 days' notice of intention to withdraw shares and 30 days' notice of intention to withdraw deposits, *except that a credit union shall not at any time require notice of withdrawal of funds subject to withdrawal by share drafts*. Withdrawing or expelled members shall have no further right in the credit union, but are not, by the expulsion or withdrawal, released from any remaining liability to the credit union."

Page 4, line 26, delete "2" and insert "3"

Page 4, line 27, delete "*Section 1 is*" and insert "*Sections 1 and 2 are*"

Amend the title as follows:

Page 1, delete lines 2 to 5 and insert:

"relating to financial institutions; permitting the sale of certain loans of credit unions; providing for the withdrawal of credit union members; amending Minnesota Statutes 1980, Sections 52.04 and 52.19."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 641: A bill for an act relating to financial institutions; providing for uniform administration of liquidity reserve requirements among deposit institutions; amending Minnesota Statutes 1980, Sections 46.04, Subdivision 1; 50.175; and 52.17; proposing new law coded in Minnesota Statutes, Chapters 48; and 51A; and repealing Minnesota Statutes 1980, Sections 48.22; and 51A.36.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, line 3, after "*for*" insert "*any*"

Page 4, line 4, delete "*banks*" and insert "*bank*"

Page 4, line 4, delete "*companies*" and insert "*company*"

Page 4, line 5, after "*reports*" insert "*relating to the bank or trust company that are*"

Page 4, line 8, after the period, insert "*Reserves for an individual state bank or trust company as prescribed by the commissioner pursuant to this section shall be enforced in accordance with sections 46.24 and 46.30 to 46.33.*"

Page 5, line 19, after "*for*" insert "*any*"

Page 5, line 19, delete "*banks*" and insert "*bank*"

Page 5, line 20, after "*reports*" insert "*relating to the savings bank that are*"

Page 5, line 24, after the period, insert "*Reserves for an individual savings bank as prescribed by the commissioner pursuant to this section shall be enforced in accordance with sections 46.24 and 46.30 to 46.33.*"

Page 5, line 30, delete "*an*" and insert "*any*"

Page 5, line 32, after "*reports*" insert "*relating to the association that are*"

Page 5, line 35, after the period, insert "*Reserves for an individual association as prescribed by the commissioner pursuant to this section shall be enforced in accordance with sections 46.24 and 46.30 to 46.33.*"

Page 6, line 31, after the period, insert "*The commissioner may waive the requirements in paragraph (a), clause (2), and paragraph (b), clause (2), based on applications by credit unions demonstrating need and considering levels of total reserves and other factors bearing on the credit union's safety and soundness. The commissioner may also require special reserves to protect the interests of members either by rule or by an individual credit union in any special case.*"

Page 7, line 20, delete "*an*" and insert "*any*"

Page 7, line 22, after "*reports*" insert "*relating to the credit union that are*"

Page 7, line 24, delete "*an association*" and insert "*a credit union*"

Page 7, line 25, after the period, insert "*Reserves for an individual credit union as prescribed by the commissioner pursuant to this section shall be enforced in accordance with sections 46.24 and 46.30 to 46.33.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 56: A bill for an act relating to insurance; broadening the scope of mandated group accident and health coverage for ambulatory mental health services; amending Minnesota Statutes 1980, Section 62A.152.

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 1980, Section 62A.152, is amended to read:

62A.152 [BENEFITS FOR AMBULATORY MENTAL HEALTH SERVICES.]

Subdivision 1. [SCOPE.] The provisions of this section ~~shall~~ apply *(a)* to all group policies or subscriber contracts which *provide benefits for at least 100 certificate holders who are residents of this state or groups of which more than 90 percent are residents of this state and* are issued, *delivered,* or renewed ~~within this state after August 1, 1975~~ by accident and health insurance companies regulated under this chapter, ~~and~~ *or by* nonprofit health service plan corporations regulated under chapter 62C *and (b) to all group policies or subscriber contracts which are issued, delivered, or renewed within this state by accident and health insurance companies regulated under this chapter, or by nonprofit health service plan corporations regulated under chapter 62C.*

Subd. 2. [MINIMUM BENEFITS.] All group policies and all group subscriber contracts providing benefits for mental or nervous disorder treatments in a hospital shall also provide coverage, to at least the extent of ~~90~~ *80* percent of the first ~~$600~~ *$750* of the cost of the usual and customary charges incurred over a 12-month period, for mental or nervous disorder consultation, diagnosis and treatment services delivered while the insured person is not a bed patient in a hospital, if ~~such~~ *the* services are furnished by (1) a licensed or accredited hospital, (2) a community mental health center or mental health clinic approved or licensed by the commissioner of public welfare or other authorized state agency, or (3) ~~by~~ a *licensed* consulting psychologist licensed under the provisions of sections 148.87 to 148.99, or ~~by~~ a psychiatrist licensed under chapter 147.

Sec. 2. Minnesota Statutes 1980, Section 62E.06, Subdivision 1, is amended to read:

Subdivision 1. [NUMBER THREE PLAN.] A plan of health coverage shall be certified as a number three qualified plan if it otherwise meets the requirements established by chapters 62A and 62C, and the other laws of this state, whether or not the policy is issued in Minnesota, and meets or exceeds the following minimum standards:

(a) The minimum benefits for a covered individual shall, subject to the other provisions of this subdivision, be equal to at least 80 percent of the cost of covered services in excess of an annual deductible which does not exceed $150 per person. The coverage shall include a limitation of $3,000 per person on total annual out-of-pocket expenses for services covered under this subdivision. The coverage shall be subject to a maximum lifetime benefit of not less than $250,000.

The $3,000 limitation on total annual out-of-pocket expenses and the $250,000 maximum lifetime benefit shall not be subject to change or substitution by use of an actuarily equivalent benefit.

(b) Covered expenses shall be the usual and customary charges for the following services and articles when prescribed by a physician:

(1) Hospital services;

(2) Professional services for the diagnosis or treatment of injuries, illnesses, or conditions, other than outpatient mental or dental, which are rendered by a physician or at his direction;

(3) Drugs requiring a physician's prescription;

(4) Services of a nursing home for not more than 120 days in a year if the services would qualify as reimbursable services under medicare;

(5) Services of a home health agency if the services would qualify as reimbursable services under medicare;

(6) Use of radium or other radioactive materials;

(7) Oxygen;

(8) Anesthetics;

(9) Prostheses other than dental;

(10) Rental or purchase, as appropriate, of durable medical equipment other

than eyeglasses and hearing aids;

(11) Diagnostic X-rays and laboratory tests;

(12) Oral surgery for partially or completely unerupted impacted teeth, a tooth root without the extraction of the entire tooth, or the gums and tissues of the mouth when not performed in connection with the extraction or repair of teeth;

(13) Services of a physical therapist; and

(14) Transportation provided by licensed ambulance service to the nearest facility qualified to treat the condition; or a reasonable mileage rate for transportation to a kidney dialysis center for treatment.

(c) Covered expenses for the services and articles specified in this subdivision do not include the following:

(1) Any charge for care for injury or disease either (i) arising out of an injury in the course of employment and subject to a workers' compensation or similar law, (ii) for which benefits are payable without regard to fault under coverage statutorily required to be contained in any motor vehicle, or other liability insurance policy or equivalent self-insurance, or (iii) for which benefits are payable under another policy of accident and health insurance, medicare or any other governmental program except as otherwise provided by law;

(2) Any charge for treatment for cosmetic purposes other than for reconstructive surgery when such service is incidental to or follows surgery resulting from injury, sickness or other diseases of the involved part or when such service is performed on a covered dependent child because of congenital disease or anomaly which has resulted in a functional defect as determined by the attending physician;

(3) Care which is primarily for custodial or domiciliary purposes which would not qualify as eligible services under medicare;

(4) Any charge for confinement in a private room to the extent it is in excess of the institution's charge for its most common semi-private room, unless a private room is prescribed as medically necessary by a physician, provided, however, that if the institution does not have semi-private rooms, its most common semi-private room charge shall be considered to be 90 percent of its lowest private room charge;

(5) That part of any charge for services or articles rendered or prescribed by a physician, dentist, or other health care personnel which exceeds the prevailing charge in the locality where the service is provided; and

(6) Any charge for services or articles the provision of which is not within the scope of authorized practice of the institution or individual rendering the services or articles.

(d) The minimum benefits for a qualified plan shall include, in addition to those benefits specified in clauses (a) and (e), benefits for ~~the following services~~ *well baby care, effective July 1, 1980,* subject to applicable deductibles, coinsurance provisions, and maximum lifetime benefit limitations:

~~(1) Well baby care, effective July 1, 1980;~~

~~(2) Physicians' services for routine check-ups and annual physicals when~~

~~prescribed by a physician, effective July 1, 1982;~~

~~(3) Multiphasic screening and other diagnostic testing, effective July 1, 1982. The commissioner by rule shall prescribe reasonable limits on the reimbursement required for services listed in this clause~~.

(e) Effective July 1, 1979, the minimum benefits of a qualified plan shall include, in addition to those benefits specified in clause (a), a second opinion from a physician on all surgical procedures expected to cost a total of $500 or more in physician, laboratory and hospital fees, provided that the coverage need not include the repetition of any diagnostic tests.

Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective for all policies and contracts issued, renewed, or delivered on or after August 1, 1981."

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "modifying certain comprehensive health insurance benefit requirements;"

Page 1, line 5, delete "Section" and insert "Sections"

Page 1, line 5, before the period, insert "; and 62E.06, Subdivision 1"

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. 672: A bill for an act relating to natural resources; authorizing the commissioner of natural resources to sell certain lands acquired for trail purposes.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 16, after "*sale*" insert "*: (a)*"

Page 2, line 2, before the period, insert "*; and (b) that part of the railroad right of way located in the W 1/2 of the NW 1/4 of Section 23 and in the E 1/2 of the NE 1/4 of Section 22, Township 104N, Range 14W in Mower County, but not including the westerly 25 feet of the right of way needed by the department of transportation*"

Page 2, after line 4, insert:

"Sec. 2. [CONVEYANCE OF RIGHT OF WAY.]

The commissioner of natural resources, in the name of the state, may convey to adjoining property owners by quitclaim deed, at not less than the appraised value, the following described real property when the state's title has been clarified either through litigation or land exchange:

A strip of land 100 feet in width extending over and across Government Lots Four (4) and Five (5), the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) and the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section Nine (9); Government Lots One (1), Two (2), Three (3), Four (4) and Five (5) and the Southwest Quarter of the Southwest Quarter (SW 1/4 SW

1/4) of Section Sixteen (16); Government Lots One (1) and Two (2) and the Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) of Section Twenty (20); Government Lot One (1), of Section Twenty-one (21); said strip of land being 50 feet in width on each side of the center line of the main track, now removed, of the former Saint Paul, Minneapolis and Manitoba Railway Company, now Burlington Northern Incorporated, as originally located and established over and across said Sections Nine (9), Sixteen (16), Twenty (20) and Twenty-one (21), Township One Hundred Forty-three (143) North, Range Thirty-one (31) West.

The deed shall be in a form approved by the attorney general.

Sec. 3. [EFFECTIVE DATE.]

This act is effective the day following its final enactment."

Amend the title as follows:

Page 1, line 3, delete "sell" and insert "convey"

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. 1262: A bill for an act relating to the Coon Creek watershed district; authorizing an annual administrative levy by the district.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete lines 7 to 20 and insert:

"Section 1. [SPECIAL LEVY; STUDY.]

Notwithstanding any law to the contrary, the Coon Creek watershed district in Anoka County may levy an ad valorem tax on each dollar of assessed valuation of all property within the district sufficient to raise an amount not to exceed $50,000 in any one year. The amounts raised may be expended only for a comprehensive hydrologic and hydraulic study of the watershed district. The tax may be levied each year until the cost of the study has been paid. The levy shall be made as provided in Minnesota Statutes, Section 112.611. The levy permitted by this act together with any other levy of the district for administrative purposes under Minnesota Statutes, Section 112.61, Subdivision 3, shall not exceed that amount sufficient to raise a total of $125,000."

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 1265: A bill for an act relating to the Battle Creek watershed district; permitting deferral of special assessments in certain cases of hardship.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 7, delete "BATTLE CREEK" and insert "RAMSEY-

WASHINGTON METRO''

Page 1, line 8, delete ''*Battle Creek*'' and insert '' *Ramsey-Washington Metro*''

Page 1, line 17, delete ''*Battle Creek*'' and insert ''*Ramsey-Washington Metro*''

Amend the title as follows:

Page 1, line 2, delete ''Battle Creek'' and insert ''Ramsey-Washington Metro''

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 809: A bill for an act relating to agriculture; applying food licensing provisions to certain food preparers; amending Minnesota Statutes 1980, Section 28A.15, Subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 16, before the period, insert '', *or persons engaged in the preparation of any decorated food item for which the decoration is the principal service that is performed, or persons not regularly engaged in the business of manufacturing and selling food whose sales are less than $2,500 in any year*''

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. 909: A bill for an act relating to agriculture; excluding pipeline companies from certain restrictions on acquisition of agricultural land; amending Minnesota Statutes 1980, Section 500.221, Subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 8, after ''treaty'' insert a semicolon

Page 2, line 9, after ''2'' strike the comma and insert a semicolon

Page 2, line 10, before ''*by*'' insert ''*to the purchase of any tract of 20 acres or less for facilities incidental to pipeline operation*''

Page 2, line 11, delete the comma and insert a semicolon

Page 2, line 12, after ''operations'' insert a semicolon

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 1135: A bill for an act relating to education; providing for comprehensive planning by post-secondary institutions; requiring reports; amending Minnesota Statutes 1980, Sections 121.21, by adding a subdivision; 136.14; 136.62, by adding a subdivision; and 136A.16, by adding a

subdivision.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 1287: A bill for an act relating to education; extending due dates for plans and reports relating to the statewide education management information system; authorizing the state board to perform certain duties according to specified criteria in the absence of rules; amending Minnesota Statutes 1980, Sections 121.931, Subdivisions 3, 4 and 7; and 121.938, Subdivision 2.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 1169: A bill for an act relating to education; modifying the provisions governing teachers placed on unrequested leave of absence in experimental paired districts; providing for the combination of teachers into one unit in cooperating and paired districts; amending Minnesota Statutes 1980, Sections 122.85, Subdivision 4; and 179.63, Subdivision 17.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, delete section 2

Amend the title as follows:

Page 1, line 4, delete "providing"

Page 1, delete line 5

Page 1, line 6, delete "cooperating and paired districts;"

Page 1, line 7, delete "Sections" and insert "Section"

Page 1, line 7, delete "; and"

Page 1, line 8, delete "179.63, Subdivision 17"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 1121: A bill for an act relating to Lake of the Woods Independent School District No. 390; establishing subdistricts for the purpose of funding K-6 programs; granting bonding and levy authority; requiring a referendum.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 16, after the period, insert "*Provided, however, that before the referendum provided for in this act may be submitted to the voters, a special election has been held to determine whether the subdistrict proposal or a bond proposal for a centrally located facility not at the Baudette or Williams sites shall be submitted to the voters.*"

And when so amended the bill be re-referred to the Committee on Taxes and Tax Laws without recommendation. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 1132: A bill for an act relating to education; allowing area vocational-technical institutes to grant degrees under certain conditions; proposing new law coded in Minnesota Statutes, Chapter 121.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 12, delete "*shall*" and insert "*may*"

Page 1, line 13, delete "*when*" and insert "*if*"

Page 1, line 13, delete "*being awarded*" and insert " *required by a licensing authority and is offered*"

Page 1, line 14, delete "*and when it is demonstrated that a degree*"

Page 1, delete line 15

Page 1, line 16, delete "*association*"

Page 1, line 17, after "*practicable*" insert "*because of geographic isolation*"

Page 1, after line 21, insert:

"Sec. 2. [EXCEPTION.]

An associate degree offered by an area vocational-technical institute prior to January 1, 1981, shall be phased out by January 1, 1986, unless approval is received by the state board for vocational education pursuant to section 1."

Page 1, line 23, delete "*Section 1 is*" and insert "*Sections 1 and 2 are*"

Renumber the sections in sequence

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Public Employees and Pensions, to which was referred

S. F. No. 974: A bill for an act relating to retirement; reducing a certain deduction from amounts available to pay post-retirement adjustments; appropriating funds; amending Minnesota Statutes 1980, Section 11A.18, Subdivision 9.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Spear from the Committee on Public Employees and Pensions, to which was referred

S. F. No. 1174: A bill for an act relating to retirement; local police relief associations; authorizing the payment of benefits outside the United States in certain instances; proposing new law coded in Minnesota Statutes, Chapter 423; repealing Minnesota Statutes 1980, Section 423.811.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

H. F. No. 305: A bill for an act relating to crimes; specifying the crime of

theft of services; amending Minnesota Statutes 1980, Section 609.52, Subdivisions 1 and 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 8, delete "Subdivision 1,"

Page 1, after line 8, insert "609.52 [THEFT.]"

Page 1, line 17, strike "such" and insert "*the*"

Page 2, line 18, strike everything after "means"

Page 2, strike lines 19 to 27

Page 2, line 28, strike everything before the period, and insert "*information, including a formula, pattern, compilation, program, device, method, technique, or process, that:*

(i) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use, and

(ii) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy"

Page 2, line 31, strike "such" and insert "*the*"

Page 3, line 5, delete "*includes*" and insert "*include*"

Page 3, line 5, delete "*is*" and insert "*are*"

Page 3, delete lines 11 and 12

Page 3, line 17, delete the colon

Page 3, line 18, delete "*(a)*"

Page 3, delete lines 21 to 24

Page 3, line 26, strike "such" and insert "*the*"

Page 3, line 32, delete "*or performance of services*"

Page 3, line 32, after "of" insert "*or performance of services by*"

Page 4, line 24, delete "*service*" and insert "*services*"

Page 5, lines 24, 27 and 34, strike "such" and insert "*the*"

Page 5, line 26, strike "such" in both places where it occurs and insert "*the*"

Page 5, line 33, strike "such" in both places where it occurs and insert "*the*"

Page 6, line 5, strike "such" in both places where it occurs and insert "*the*"

Page 6, lines 6 and 7, strike "such" and insert "*the*"

Page 6, line 35, before the period, insert "*; or*

(13) Obtains the services of another with the intention of receiving those services without making the agreed or reasonably expected payment of money or other consideration"

Page 6, after line 35, insert:

"Subd. 3. [SENTENCE.] Whoever commits theft may be sentenced as follows:

(1) To imprisonment for not more than ten years or to payment of a fine of not more than $10,000, or both, if the value of the property or services stolen exceeds $2,500; or

(2) To imprisonment for not more than five years or to payment of a fine of not more than $5,000, or both, if the value of the property or services stolen is more than $150 but not more than $2,500; or

(3) To imprisonment for not more than five years or to payment of a fine of not more than $5,000, or both, notwithstanding the value of the property or services stolen is not more than $150, if any of the following circumstances exist:

(a) The property is taken from the person of another or from a corpse, or grave or coffin containing a corpse; or

(b) The property taken is a record of a court or officer, or a writing, instrument or record kept, filed or deposited according to law with or in the keeping of any public officer or office; or

(c) The property is taken from a burning building or upon its removal therefrom, or from an area of destruction caused by civil disaster, riot, bombing, or the proximity of battle; or

(d) The property taken consists of public funds belonging to the state or to any political subdivision or agency thereof; or

(4) To imprisonment for not more than ten years or to payment of a fine of not more than $10,000, or both, if the property stolen is an article representing a trade secret; or if the property stolen is an explosive or an incendiary device; or

(5) In all other cases where the value of the property or services stolen is $150 or less, to imprisonment for not more than 90 days or to payment of a fine of not more than $500, or both, provided, however, in any prosecution under clause (1), clause (2), clause (3)(a), (b) and (c), ~~and~~ clause (4), *and clause (13)* of subdivision 2 the value of the money or property received by the defendant in violation of any one or more of the above provisions within any six month period may be aggregated and the defendant charged accordingly in applying the provisions of this subdivision; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this paragraph."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "conforming the definition of trade secret in the law proscribing theft to the definition of trade secret in the uniform trade secrets act;"

Page 1, line 4, delete ", Subdivisions 1 and 2"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which were referred

H. F. Nos. 969, 272, 63, 413 for comparison with companion Senate Files, reports the following House Files were found not identical with their companion Senate Files 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.
969	857				
272	257				
63	110				
413	516				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 969 be amended as follows:

Page 1, line 13, strike "prepared,"

And when so amended H. F. No. 969 will be identical to S. F.No. 857, and further recommends that H. F. No. 969 be given its second reading and substituted for S. F. No. 857, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 272 be amended as follows:

Page 1, line 22, after "*request.*" insert "*The need for and reasonableness of a rule on which the commission requests a hearing shall be shown with the same kind of evidence that would be necessary during any other hearing governed by section 15.0412.*"

And when so amended H. F. No. 272 will be identical to S. F.No. 257, and further recommends that H. F. No. 272 be given its second reading and substituted for S. F. No. 257, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 63 be amended as follows:

Page 1, line 20, after "*organization*" insert "*affiliated with a religious hospital or institution*"

Page 2, line 6, after "*organization*" insert "*affiliated with a religious hospital or institution*"

Page 2, line 10, after "*organization*" insert "*affiliated with a religious hospital or institution*"

Page 2, line 18, delete "*health or*"

Page 2, line 24, delete "*shall be*" and insert "*is*"

Amend the title as follows:

Page 1, line 2, after "that" insert "certain"

And when so amended H. F. No. 63 will be identical to S. F. No. 110, and further recommends that H. F. No. 63 be given its second reading and substituted for S. F. No. 110, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 413 be amended as follows:

Page 1, after line 12, insert:

"Section 1. Minnesota Statutes 1980, Section 546.42, is amended to read:

546.42 [~~HANDICAPPED~~ PERSONS *HANDICAPPED IN COMMUNICATION*; INTERPRETERS.]

For the purposes of sections 546.42 to 546.44 a ~~handicapped~~ person *handicapped in communication* is one who, because of a hearing, speech or other communication disorder, or because of the inability to speak or comprehend the English language, is unable to understand the proceedings in which he is required to participate, or when named as a party to a legal proceeding, is unable by reason of such deficiency to obtain due process of law."

Page 1, line 13, delete "Section 1" and insert "Sec. 2"

Page 1, delete lines 15 to 20 and insert:

"*Subd. 4. Whenever a person serves as an interpreter pursuant to sections 546.42 to 546.44, he shall not, without the consent of the person handicapped in communication, be allowed to disclose any privileged communication made by the person or any privileged information gathered from the person which was communicated or gathered during the time he was serving as the interpreter.*"

Page 1, line 21, delete "2" and insert "3"

Page 3, delete lines 21 to 30 and insert:

"*(8) An interpreter for a person handicapped in communication shall not, without the consent of the person, be allowed to disclose any communication of the person if the communication would, if the interpreter were not present, be privileged. For purposes of this section, a "person handicapped in communication" means a person who, because of a hearing, speech or other communication disorder, or because of the inability to speak or comprehend the English language, is unable to understand the proceedings in which he is required to participate. The presence of an interpreter as an aid to communication does not destroy an otherwise existing privilege.*"

Page 3, line 31, delete "3" and insert "4"

Page 4, line 2, delete "*handicapped persons*" and insert " *persons handicapped in communication*"

Page 4, line 3, strike "such persons" and insert "*them*"

Page 4, line 5, strike "such"

Page 4, line 6, strike "such" and after "persons" insert " *handicapped in communication*"

Page 4, line 8 delete "4" and insert "5"

Page 4, line 11, strike "handicapped"

Page 4, line 12, after the first "person" insert " *handicapped in communication*"

Page 4, line 19, delete "5" and insert "6"

Page 4, delete lines 21 to 26 and insert:

"*Subd. 4. Whenever a person serves as an interpreter pursuant to sections*

611.30 to 611.34, he shall not, without the consent of the person handicapped in communication, be allowed to disclose any privileged communication made by the person or any privileged information gathered from the person which was communicated or gathered during the time when he was serving as an interpreter.''

Amend the title as follows:

Page 1, line 2, delete ''handicapped persons'' and insert ''persons handicapped in communication''

Page 1, line 8, after ''Sections'' insert ''546.42;''

And when so amended H. F. No. 413 will be identical to S. F.No. 516, and further recommends that H. F. No. 413 be given its second reading and substituted for S. F. No. 516, 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. 407 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.
407	726				

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 were referred

H. F. Nos. 731 and 90 for comparison with companion Senate Files, reports the following House Files were found not identical with their companion Senate Files 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.
731	707				
90	258				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 731 be amended as follows:

Page 1, lines 11 and 12, delete the new language and insert ''*a former court commissioner so long as he continues to be employed by the court system,*''

And when so amended H. F. No. 731 will be identical to S. F.No. 707, and further recommends that H. F. No. 731 be given its second reading and

substituted for S. F. No. 707, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 90 be amended as follows:

Page 1, delete lines 19 to 25

Page 2, delete lines 1 to 13 and insert:

"Sec. 2. [TRANSITIONAL PROVISION.]

A procedural or interpretive rule in effect on the effective date of this act, which was adopted following a hearing which utilized the office of hearing examiners or the office of administrative hearings or adopted after compliance with the provisions of section 15.0412, subdivision 4h or 5, shall have the force and effect of law on the effective date of this act.

This section does not apply to any rule specifically held not to have the force and effect of law by the state supreme court before the effective date of this act."

Page 2, line 14, delete "4" and insert "3"

And when so amended H. F. No. 90 will be identical to S. F. No. 258, and further recommends that H. F. No. 90 be given its second reading and substituted for S. F. No. 258, 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. 1218, 1074, 890, 690, 556, 804, 655, 641, 56, 672, 809, 909, 1135, 1287, 1169, 1132, 974 and 1174 were read the second time.

SECOND READING OF HOUSE BILLS

H. F. Nos. 305, 969, 272, 63, 413, 407, 731 and 90 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Chmielewski moved that the name of Mr. Stern be added as co-author to S. F. No. 1326. The motion prevailed.

Mr. Spear moved that H. F. No. 536 be withdrawn from the Committee on Public Employees and Pensions and re-referred to the Committee on Rules and Administration for comparison with S. F. No. 712. The motion prevailed.

Mr. Olhoft moved that S. F. No. 1285 be withdrawn from the Committee on Health, Welfare and Corrections and re-referred to the Committee on Finance. The motion prevailed.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Frank in

the chair.

After some time spent therein, the committee arose, and Mr. Frank reported that the committee had considered the following:

S. F. Nos. 372, 574, 822, 1044, 272, 533, 903, 1118, 513, 539 and 305, which the committee recommends to pass.

S. F. No. 535, which the committee recommends to pass with the following amendment offered by Mr. Knoll:

Amend the title as follows:

Page 1, line 3, after "to a" insert "partnership or a"

Page 1, line 5, after "to a" insert "partnership or a"

The motion prevailed. So the amendment was adopted.

S. F. No. 476, which the committee recommends to pass with the following amendment offered by Mr. Ramstad:

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "requiring a presentence sentencing worksheet for a defendent convicted of a felony;"

The motion prevailed. So the amendment was adopted.

S. F. No. 982, which the committee recommends to pass with the following amendment offered by Mr. Pehler:

Page 1, lines 13 and 16, delete "*and transmission*"

Page 2, delete sections 3 and 4

Page 2, line 21, delete "*Sections 1 and 2 of*" and delete "*are*" and insert "*is*"

Page 2, line 23, delete "*Sections 3*"

Page 2, delete lines 24 to 26

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "local government" and insert "the city of St. Cloud"

Page 1, line 3, delete "dams" and insert "the city-owned Mississippi River dam"

Page 1, line 4, delete "and transmission"

Page 1, line 6, delete "projects" and insert "project"

The motion prevailed. So the amendment was adopted.

S. F. No. 874, which the committee recommends to pass with the following amendment offered by Mr. Humphrey:

Page 2, line 20, delete "*subdivision 3*" and insert "*section 1*"

The motion prevailed. So the amendment was adopted.

S. F. No. 771, which the committee recommends to pass with the following

amendment offered by Mr. Langseth:

Page 2, after line 10, insert:

"Sec. 3. [TOWN OF OAK PORT; CLAY COUNTY.]

The town of Oak Port in Clay county may exercise the powers of certain towns as provided in Minnesota Statutes, Section 368.01."

Page 2, line 12, before "*This*" insert "*Sections 1 and 2 of*"

Page 2, line 12, delete "*is*" and insert "*are*"

Page 2, line 14, after "*of*" insert "*sections 1 and 2 of*"

Page 2, line 15, before "*county*" insert "*Otter Tail*"

Page 2, after line 15, insert:

"*Section 3 of this act is effective the day after compliance with Minnesota Statutes, Section 645.021, Subdivision 3, by the town board of Oak Port.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, before the semicolon insert "and the town of Oak Port in Clay county"

Page 1, line 2, after "the" insert "Otter Tail"

Page 2, line 4, before the period insert "; authorizing the town of Oak Port to exercise certain powers"

The motion prevailed. So the amendment was adopted.

S. F. No. 268, which the committee recommends to pass with the following amendment offered by Mr. Davies:

Page 1, line 12, delete "substantively"

The motion prevailed. So the amendment was adopted.

S. F. No. 732, which the committee recommends to pass with the following amendment offered by Mr. Petty:

Page 2, lines 4, 11, 14, and 27, delete "*unlicensed*" and insert "*ineligible*"

Page 3, lines 20 and 26, delete "*unlicensed*" and insert "*ineligible*"

Page 4, line 15, delete "*unlicensed*" and insert "*ineligible*"

Page 5, lines 28 and 35, delete "*unlicensed*" and insert "*ineligible*"

Page 6, line 21, delete "*unlicensed*" and insert "*ineligible*"

Page 11, line 34, delete "UNLICENSED" and insert "INELIGIBLE"

Page 12, lines 1, 9, 30 and 36, delete "*unlicensed*" and insert "*ineligible*"

Page 13, line 28, delete "*unlicensed*" and insert "*ineligible*"

Page 13, line 35, delete "UNLICENSED" and insert "INELIGIBLE"

Page 14, line 1, delete "*unlicensed*" and insert "*ineligible*"

The motion prevailed. So the amendment was adopted.

S. F. No. 1043, which the committee recommends to pass with the following amendment offered by Mr. Olhoft:

Page 2, line 7, delete "*subdivision 3*" and insert " *subdivisions 3 and 3b*"

Page 2, lines 18 and 19, strike "The commission may not suspend it again."

Page 2, line 20, strike "and shall not be" and delete " *adopted*"

Page 2, line 21, delete "*by the agency*" and strike the remainder of the line

Page 2, line 22, strike "adoption of that rule"

Page 4, line 11, after "court" insert "*and the tax court*"

Page 5, line 22, delete "*or*"

Page 5, line 24, after "*182.655*" insert "*; or (k) rules of the commissioner of public safety adopted pursuant to section 169.128*"

Page 15, line 25, after "*certificate*" insert "*and the rule*"

Page 16, line 11, after "Subdivision 1." insert "[FORCE OF law.]"

Page 16, line 19, after "Subd. 2." insert "[AMENDMENTS; REPEALERS; SUSPENDED RULES.]"

Page 16, line 25, after "Subd. 3." insert "[EXEMPT AGENCIES AND RULES.]"

Page 16, lines 25 to 31, delete the new language and insert:"*Any rules adopted, amended, suspended, or repealed by any agency but excluded from the administrative procedure act by section 15.0411, subdivision 2, shall have the force and effect of law upon compliance with the procedures of this subdivision. However, the procedures of this subdivision do not apply to:*

(a) rules implementing emergency powers pursuant to sections 12.31 to 12.37;

(b) rules of agencies directly in the legislative or judicial branches; or

(c) rules of the regents of the University of Minnesota."

Page 17, delete lines 24 to 32 and insert:

"*Subd. 3a.* [PREVIOUSLY FILED RULES OF EXEMPT AGENCIES.] *Rules excluded from the administrative procedure act in Minnesota Statutes 1978, Section 15.0411, Subdivision 2, shall have the force and effect of law and be published by the revisor of statutes pursuant to section 648.50 to the extent the rules are still the accurate rules of the agency if the rules were:*

(a) adopted by a state officer, board, commission, bureau, division, department, or tribunal other than a judicial branch court; and,

(b) filed with the secretary of state before April 25, 1980."

Page 17, delete lines 33 to 36

Page 18, delete lines 1 to 11 and insert:

"*Subd. 3b.* [UNFILED RULES: PREVIOUSLY EXEMPT AGENCIES.] *Rules excluded from the administrative procedure act in Minnesota Statutes 1978, Section 15.0411, Subdivision 2, but included in the rulemaking provi-*

sions of the act in Minnesota Statutes 1980, Section 15.0411, Subdivision 2, shall have the force and effect of law and be published by the revisor of statutes pursuant to section 648.50 to the extent the rules are still the accurate rules of the agency if the rules were:

(a) adopted by a state officer, board, commission, bureau, division, department, or tribunal and other than a judicial branch court; and,

(b) not filed with the secretary of state before April 25, 1980.

However, the agency which adopted the rules shall file a copy of each of its rules which is effective on the effective date of this subdivision but unfiled with the secretary of state with both the secretary of state and the revisor of statutes before September 1, 1981."

Page 20, after line 2, insert:

"Sec. 26. Minnesota Statutes 1980, Section 169.128, is amended to read:

169.128 [RULES OF THE COMMISSIONER OF PUBLIC SAFETY.]

The commissioner of public safety may promulgate rules to carry out the provisions of sections 169.121 and 169.123. The rules may include forms for notice of intention to revoke, which shall describe clearly the right to a hearing, the procedure for requesting a hearing, and the consequences of failure to request a hearing; forms for revocation and notice of reinstatement of driving privileges as provided in section 169.1261; and forms for temporary licenses.

Rules promulgated pursuant to this section are exempt from the *administrative* procedure ~~required by sections 15.0411 to 15.052~~ *act but, to the extent authorized by law to adopt rules, the commissioner may use the provisions of section 15.0413, subdivision 3.*"

Page 21, line 34, after "*law*" insert "*to adopt rules*"

Page 22, line 23, delete "*the board*" and after "*rules,*" insert "*the board*"

Page 22, after line 34, insert:

"Sec. 31. Minnesota Statutes 1980, Section 299F.19, Subdivision 6, is amended to read:

Subd. 6. The code and all amendments thereto shall be ~~filed with the secretary of state and published in accordance with sections 15.046 to 15.049~~ *adopted in accordance with the procedures of the administrative procedure act.*"

Page 23, delete lines 33 to 36

Page 24, lines 1 and 2, delete "*insofar as they relate to rules*" and insert "*unless specifically provided to the contrary*"

Page 24, lines 2 and 3, delete "*the effective date of the provision*" and insert "*July 1, 1981*"

Pages 24 to 33, delete sections 34 to 60

Page 34, line 11, after "*subdivision 3*" insert "*or 3b*"

Page 34, line 21, after "*subdivision 3*" insert "*or 3b*"

Page 35, line 25, delete "*cost*" and insert "*costs*"

Page 35, line 36, delete "*64*" and insert "*40*"

Page 36, line 2, delete "*64*" and insert "*40*"

Page 36, line 26, after "*rules*" insert "*about the omission or error*"

Page 36, line 36, after "*rules*" insert "*about the apparent lack of publication*"

Page 37, line 15, delete "*71*" and insert "*47*"

Page 37, line 36, delete "*71*" and insert "*47*"

Page 38, line 6, delete "*70*" and insert "*46*" and delete "*71*" and insert "*47*"

Page 38, line 8, delete "*66*" and insert "*42*"

Page 40, after line 12, insert:

"Sec. 49. [INSTRUCTION TO REVISOR.]

The second and third paragraphs of Minnesota Statutes 1980, Section 15.0411, Subdivision 2, as shown in section 3, shall be recodified by the revisor of statutes as a separate section after section 15.041, in Minnesota Statutes 1982 and subsequent editions of the statutes. The revisor shall make changes in cross references in Minnesota Statutes as necessitated by this instruction."

Page 40, line 18, delete "*73*" and insert "*50*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 12, after "agencies;" insert "extending the jurisdiction of the LCRAR; clarifying when a rule suspended by the LCRAR becomes effective; modifying certain provisions of the administrative procedure act;"

Page 1, line 19, after "3;" insert "169.128;"

Page 1, line 21, after "6;" insert "299F.19, Subdivision 6;"

The motion prevailed. So the amendment was adopted.

S. F. No. 964, which the committee recommends to pass with the following amendment offered by Ms. Berglin:

Page 1, line 18, delete "*for goods or*"

Page 1, line 19, delete "*services in excess of $50,000*"

Page 1, line 19, after "firm" insert "*for goods or services in excess of $50,000,*"

Page 1, line 19, before "*business*" insert "*with any*"

The motion prevailed. So the amendment was adopted.

S. F. No. 188, which the committee recommends to pass with the following amendments offered by Mrs. Kronebusch and Mr. Davies:

Mrs. Kronebusch moved to amend S. F. No. 188 as follows:

Page 1, line 14, delete "*and the*"

Page 1, line 15, delete "*chemical*"

The motion prevailed. So the amendment was adopted.

Mr. Davies moved to amend S.F. No. 188 as follows:

Page 1, line 16, delete "*Except as provided*"

Page 1, line 17, delete "*in subdivisions 3 and 4,*"

Page 1, line 20, delete "*labelled*" and insert "*labeled*"

Page 2, line 18, delete "*provided in*" and insert "*permitted by*"

Page 2, line 19, delete "*subdivisions 2 and*" and insert " *subdivision*"

The motion prevailed. So the amendment was adopted.

On motion of Mr. Frank, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

Without objection, the Senate reverted to the Order of Business of the Calendar.

SUSPENSION OF RULES

Mr. Moe, R.D. moved that the rules of the Senate be so far suspended as to waive the lie over requirement. The motion prevailed.

CALENDAR

H. F. No. 521: A bill for an act relating to transportation; including motels within the specific information signing program; amending Minnesota Statutes 1980, Sections 160.292; 160.293, Subdivisions 1, 2, and 3; and 160.295, Subdivision 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 7, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Langseth	Peterson,D.L.	Stern
Belanger	Frank	Lantry	Peterson,R.W.	Stokowski
Benson	Frederick	Lessard	Pillsbury	Taylor
Berg	Frederickson	Lindgren	Purfeerst	Ulland
Bernhagen	Hughes	Luther	Ramstad	Vega
Bertram	Humphrey	Menning	Renneke	Waldorf
Brataas	Johnson	Merriam	Rued	Wegener
Chmielewski	Keefe	Moe, D. M.	Schmitz	Willet
Dahl	Knoll	Moe, R. D.	Setzepfandt	
Davies	Knutson	Olhoft	Sieloff	
Davis	Kroening	Penny	Sikorski	
Dicklich	Kronebusch	Peterson,C.C.	Solon	

Those who voted in the negative were:

Berglin	Pehler	Spear	Stumpf	Tennessen
Dieterich	Petty			

So the bill passed and its title was agreed to.

S. F. No. 560: A bill for an act relating to employment; prohibiting certain cities from establishing residency requirements as a condition of employment; proposing new law coded in Minnesota Statutes, Chapter 415.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 44 and nays 19, as follows:

Those who voted in the affirmative were:

Ashbach	Davies	Kronebusch	Penny	Sikorski
Belanger	Davis	Langseth	Peterson,C.C.	Stern
Benson	Dieterich	Lantry	Peterson,R.W.	Stumpf
Berg	Engler	Lessard	Purfeerst	Taylor
Bernhagen	Frederick	Luther	Ramstad	Ulland
Bertram	Frederickson	Menning	Rued	Vega
Brataas	Hughes	Merriam	Schmitz	Wegener
Chmielewski	Humphrey	Olhoft	Setzepfandt	Willet
Dahl	Keefe	Pehler	Sieloff	

Those who voted in the negative were:

Berglin	Knoll	Moe, D. M.	Pillsbury	Stokowski
Dicklich	Knutson	Moe, R. D.	Renneke	Tennessen
Frank	Kroening	Peterson,D.L.	Solon	Waldorf
Johnson	Lindgren	Petty	Spear	

So the bill passed and its title was agreed to.

H. F. No. 349: A bill for an act relating to agriculture; regulating livestock marketing; providing a penalty; amending Minnesota Statutes 1980, Sections 17A.02; 17A.03, Subdivision 7; 17A.14; proposing new law coded in Minnesota Statutes, Chapter 17A.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Langseth	Peterson,D.L.	Solon
Belanger	Engler	Lantry	Peterson,R.W.	Spear
Benson	Frank	Lessard	Petty	Stern
Berg	Frederick	Lindgren	Pillsbury	Stokowski
Berglin	Frederickson	Luther	Purfeerst	Stumpf
Bernhagen	Hughes	Menning	Ramstad	Taylor
Bertram	Humphrey	Merriam	Renneke	Tennessen
Brataas	Johnson	Moe, D. M.	Rued	Ulland
Chmielewski	Knoll	Moe, R. D.	Schmitz	Vega
Dahl	Knutson	Pehler	Setzepfandt	Waldorf
Davis	Kroening	Penny	Sieloff	Wegener
Dicklich	Kronebusch	Peterson,C.C.	Sikorski	Willet

So the bill passed and its title was agreed to.

S. F. No. 330: A bill for an act relating to the Riley-Purgatory Creek

Watershed District; authorizing certain tax levies.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 1, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Langseth	Peterson, D.L.	Spear
Belanger	Engler	Lantry	Peterson, R.W.	Stern
Benson	Frank	Lessard	Petty	Stokowski
Berg	Frederick	Lindgren	Pillsbury	Stumpf
Berglin	Frederickson	Luther	Purfeerst	Taylor
Bernhagen	Hughes	Menning	Ramstad	Tennessen
Bertram	Humphrey	Merriam	Renneke	Ulland
Brataas	Johnson	Moe, D.M.	Rued	Vega
Chmielewski	Keefe	Moe, R.D.	Schmitz	Waldorf
Dahl	Knoll	Olhoft	Setzepfandt	Wegener
Davies	Knutson	Pehler	Sieloff	Willet
Davis	Kroening	Penny	Sikorski	
Dicklich	Kronebusch	Peterson, C.C.	Solon	

Mr. Bang voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 155: A bill for an act relating to public welfare; providing for retention of certain receipts by state hospitals; amending Minnesota Statutes 1980, Section 246.57.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Peterson,C.C.	Solon
Bang	Dieterich	Langseth	Peterson,D.L.	Spear
Belanger	Engler	Lantry	Peterson,R.W.	Stern
Benson	Frank	Lessard	Petty	Stokowski
Berg	Frederick	Lindgren	Pillsbury	Stumpf
Berglin	Frederickson	Luther	Purfeerst	Taylor
Bernhagen	Hughes	Menning	Ramstad	Tennessen
Bertram	Humphrey	Merriam	Renneke	Ulland
Brataas	Johnson	Moe, D. M.	Rued	Vega
Chmielewski	Keefe	Moe, R. D.	Schmitz	Waldorf
Dahl	Knoll	Olhoft	Setzepfandt	Wegener
Davies	Knutson	Pehler	Sieloff	Willet
Davis	Kroening	Penny	Sikorski	

So the bill passed and its title was agreed to.

S. F. No. 31: A bill for an act relating to transportation; restricting the powers of the commissioner of transportation with respect to a certain trunk highway within the city of St. Paul; proposing new law coded in Minnesota Statutes, Chapter 161.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 3, as follows:

Those who voted in the affirmative were:

Bang	Dicklich	Langseth	Peterson,C.C.	Solon
Belanger	Dieterich	Lantry	Peterson,D.L.	Spear
Benson	Engler	Lessard	Peterson,R.W.	Stern
Berg	Frank	Lindgren	Petty	Stokowski
Berglin	Frederick	Luther	Purfeerst	Stumpf
Bernhagen	Frederickson	Menning	Ramstad	Taylor
Bertram	Hughes	Merriam	Renneke	Tennessen
Brataas	Humphrey	Moe, D. M.	Rued	Vega
Chmielewski	Johnson	Moe, R. D.	Schmitz	Waldorf
Dahl	Keefe	Olhoft	Setzepfandt	Wegener
Davies	Kroening	Pehler	Sieloff	Willet
Davis	Kronebusch	Penny	Sikorski	

Messrs. Knutson, Pillsbury and Ulland voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 430: A bill for an act relating to taxation; clarifying which parties are to be served with notices of appeal; restricting native prairie designation; changing requirements for filing certain abstracts and statements of exemption; changing certain fees to be charged by county auditors and treasurers; changing method of computing native prairie and wetland credits and attached machinery aids; requiring notice of wetland designation; clarifying assessment of property of cooperative associations; authorizing estimation of values and mill rates; providing certain dates for delivery and return of tax lists; providing interest rates on delinquent taxes; repealing publisher's bonds; changing certain definitions for the property tax refund and modifying payment to part-year homeowners; providing additional authority for county boards to reduce values; providing county valuation of certain airport property; amending Minnesota Statutes 1980, Sections 270.11, Subdivision 2; 271.10, Subdivision 2; 272.02, Subdivision 1; 272.025, Subdivision 3; 272.46; 272.47; 273.115, Subdivision 1, and by adding a subdivision; 273.116, Subdivision 1; 273.138, Subdivision 2; 273.40; 275.08; 276.01; 277.15; 279.02; 279.03; 279.14; 290A.03, Subdivision 13; 375.192, Subdivision 2; 473.626; repealing Minnesota Statutes 1980, Section 279.11.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Penny	Sikorski
Bang	Dieterich	Langseth	Peterson, C.C.	Solon
Belanger	Engler	Lantry	Peterson, D.L.	Spear
Benson	Frank	Lessard	Peterson, R.W.	Stern
Berg	Frederick	Lindgren	Petty	Stokowski
Berglin	Frederickson	Luther	Pillsbury	Stumpf
Bernhagen	Hughes	Menning	Purfeerst	Taylor
Bertram	Humphrey	Merriam	Ramstad	Tennessen
Brataas	Johnson	Moe, D.M.	Renneke	Ulland
Chmielewski	Keefe	Moe, R.D.	Rued	Vega
Dahl	Knoll	Nelson	Schmitz	Waldorf
Davies	Knutson	Olhoft	Setzepfandt	Willet
Davis	Kroening	Pehler	Sieloff	

So the bill passed and its title was agreed to.

S. F. No. 393: A bill for an act relating to taxation; providing that property owned by certain senior citizens' groups be exempt from taxation; amending Minnesota Statutes 1980, Section 272.02, Subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Penny	Sikorski
Bang	Dieterich	Langseth	Peterson, C.C.	Solon
Belanger	Engler	Lantry	Peterson, D.L.	Spear
Benson	Frank	Lessard	Peterson, R.W.	Stern
Berg	Frederick	Lindgren	Petty	Stokowski
Berglin	Frederickson	Luther	Pillsbury	Stumpf
Bernhagen	Hughes	Menning	Purfeerst	Taylor
Bertram	Humphrey	Merriam	Ramstad	Tennessen
Brataas	Johnson	Moe, D.M.	Renneke	Ulland
Chmielewski	Keefe	Moe, R.D.	Rued	Vega
Dahl	Knoll	Nelson	Schmitz	Waldorf
Davies	Knutson	Olhoft	Setzepfandt	Wegener
Davis	Kroening	Pehler	Sieloff	Willet

So the bill passed and its title was agreed to.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Mr. Moe, R.D. moved that the Committee Report from the Committee on Rules and Administration on House Concurrent Resolution No. 2 be taken from the table. The motion prevailed.

Mr. Moe, R.D. moved the adoption of the Committee Report. The motion prevailed. Report adopted.

Mr. Moe, R.D. moved to adopt the Joint Rules contained in the Committee Report as the Permanent Joint Rules of the Senate and House of Representatives.

Mr. Ashbach moved to amend the Joint Rules of the Senate and House of Representatives, as printed in the Journal for the 30th day, as follows:

Proposed Rule 2.06, after the third paragraph, insert:

"*A conference committee report shall include only subject matter contained in the House or Senate versions of the bill for which that conference committee was appointed, or like subject matter contained in a bill passed by the House or Senate.*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 21 and nays 44, as follows:

Those who voted in the affirmative were:

Ashbach	Bernhagen	Keefe	Ramstad	Ulland
Bang	Brataas	Knutson	Renneke	
Belanger	Engler	Kronebusch	Rued	
Benson	Frederick	Lindgren	Sieloff	
Berg	Frederickson	Peterson, D.L.	Taylor	

Those who voted in the negative were:

Berglin	Hughes	Menning	Peterson, R.W.	Stern
Bertram	Humphrey	Merriam	Petty	Stokowski
Chmielewski	Johnson	Moe, D.M.	Pillsbury	Stumpf
Dahl	Knoll	Moe, R.D.	Purfeerst	Tennessen
Davies	Kroening	Nelson	Schmitz	Vega
Davis	Langseth	Olhoft	Setzepfandt	Waldorf
Dicklich	Lantry	Pehler	Sikorski	Wegener
Dieterich	Lessard	Penny	Solon	Willet
Frank	Luther	Peterson, C.C.	Spear	

The motion did not prevail. So the amendment was not adopted.

The question recurred on the motion of Mr. Moe, R.D. The motion prevailed. So the Joint Rules were adopted.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Mr. Willet introduced—

S.F. No. 1329: A bill for an act relating to natural resources; providing for an adult hunter education program; appropriating money.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Knutson introduced—

S.F. No. 1330: A bill for an act relating to taxation; estate tax; abolishing the reporting of certain bank deposits and the inventorying of safe deposit boxes; repealing Minnesota Statutes 1980, Sections 55.10, Subdivision 2; 291.20; and 385.36.

Referred to the Committee on Taxes and Tax Laws.

Mrs. Brataas, Messrs. Ramstad, Merriam, Tennessen and Keefe introduced—

S.F. No. 1331: A bill for an act relating to crimes; defining the term "collateral source" for purposes of the crime reparations act; requiring inclusion of victim comment on presentence investigation reports; providing that restitution shall be the preferred sanction for persons convicted of crimes who are placed on probation; amending Minnesota Statutes 1980, Sections 299B.02; 609.115, Subdivision 1; and 609.135, Subdivision 1.

Referred to the Committee on Judiciary.

Mr. Davis introduced—

S.F. No. 1332: A bill for an act relating to waters; authorizing conveyance of the state's interest in certain lands in Sherburne county.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Dicklich introduced—

S.F. No. 1333: A bill for an act relating to the city of Hibbing; providing for

the election and terms of city officers.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Luther, Willet, Ashbach, Sikorski and Belanger introduced—

S.F. No. 1334: A bill for an act relating to metropolitan government; providing for membership on the metropolitan sports facilities commission; amending Minnesota Statutes 1980, Section 473.553, Subdivisions 2 and 4.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Luther, Knoll and Humphrey introduced—

S.F. No. 1335: A bill for an act relating to courts; changing the compensation of Hennepin County conciliation court referees; amending Minnesota Statutes 1980, Section 488A.13, Subdivision 1.

Referred to the Committee on Judiciary.

Messrs. Peterson, C.C.; Johnson; Setzepfandt; Solon and Ulland introduced—

S.F. No. 1336: A bill for an act relating to financial institutions; redefining "contract for deed" to include sales of residential units situated upon real property subject to a lease held by the seller; amending Minnesota Statutes 1980, Section 47.20, Subdivision 2.

Referred to the Committee on Judiciary.

Mr. Wegener introduced—

S.F. No. 1337: A bill for an act relating to appropriations; appropriating funds to the public utilities commission for a report on natural gas rate averaging; directing the averaging of rates in a certain geographic area.

Referred to the Committee on Commerce.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Wednesday, April 15, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRTY-FIFTH DAY

St. Paul, Minnesota, Wednesday, April 15, 1981

The Senate met at 10:00 a.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Constantin Alecse.

The roll was called, and the following Senators answered to their names:

Ashbach	Dieterich	Langseth	Peterson, D.L.	Stern
Bang	Engler	Lantry	Peterson, R.W.	Stokowski
Belanger	Frank	Lessard	Petty	Stumpf
Benson	Frederick	Lindgren	Pillsbury	Taylor
Berg	Frederickson	Luther	Purfeerst	Tennessen
Berglin	Hanson	Menning	Ramstad	Ulland
Bernhagen	Hughes	Merriam	Renneke	Vega
Bertram	Humphrey	Moe, D.M.	Rued	Waldorf
Brataas	Johnson	Moe, R.D.	Schmitz	Wegener
Chmielewski	Keefe	Nelson	Setzepfandt	Willet
Dahl	Knoll	Olhoft	Sieloff	
Davies	Knutson	Pehler	Sikorski	
Davis	Kroening	Penny	Solon	
Dicklich	Kronebusch	Peterson, C.C.	Spear	

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

Ms. Berglin was excused from the Session of today from 10:30 to 12:00 noon. Mr. Solon was excused from the Session of today from 10:00 to 11:00 a.m.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

April 14, 1981

The Honorable Jack Davies
President of the Senate

Dear President Davies:

Returned to you herewith and unsigned please find S. F. 52, which amends Minnesota Statutes 1980, Section 210A.43, Subdivision 4. I do not believe that this bill is in the best interests of the citizens of Minnesota, and, therefore, I am hereby vetoing it.

Minnesota Statutes 1980, Section 210A.43 prohibits persons from denying

political candidates and workers who accompany them access to various kinds of multiple dwelling units. Subdivision 3 of that Section provides that any candidate who is denied access to a multiple unit dwelling may seek injunctive relief in the courts to gain access to that dwelling. I believe that this form of injunctive civil relief is a more appropriate remedy for a candidate than the criminal sanction which would be imposed by S. F. 52.

It must be recognized that there is a fine line in such situations between protecting the right of privacy of individuals and ensuring political candidates access to the electorate. I believe that this fine line can better be delineated, and the rights of both parties more equitably protected, in a civil proceeding than by subjecting individual citizens to a petty misdemeanor charge.

Further, in an era where individuals are concerned for their protection against criminal activity, the likelihood that a person might deny access to a stranger who identifies himself or herself as a political candidate is too great to permit that innocent person to be subject to criminal sanctions.

For these reasons, after careful consideration, I have decided to veto S. F. 52.

Sincerely yours,
Albert H. Quie, Governor

Mr. Moe, R. D. moved that the veto message and S. F. No. 52 be laid on the table. The motion prevailed.

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. 11, 416, 454, 692 and 917.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 14, 1981

Mr. President:

I have the honor to announce the adoption by the House of the following House Concurrent Resolution, herewith transmitted:

House Concurrent Resolution No. 4: A House concurrent resolution relating to adjournment of the House of Representatives for more than three days.

BE IT RESOLVED by the House of Representatives, the Senate concurring:

(1) Upon its adjournment on April 15, 1981, the House of Representatives may set its next day of meeting for 2:00 p.m. on April 20, 1981.

(2) Pursuant to the Minnesota Constitution, Article IV, Section 12, the Senate consents to the adjournment of the House of Representatives for more than three days.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 14, 1981

Mr. Moe, R. D. moved the adoption of the foregoing resolution. The

motion prevailed. So the resolution was adopted.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 339.

H. F. No. 339: A bill for an act relating to towns; providing for the opening of cartways under certain circumstances; providing a method for determining whether to open or maintain certain town roads; amending Minnesota Statutes 1980, Sections 164.08, Subdivision 2; and 365.10.

And the House respectfully requests that a Conference Committee of three members be appointed thereon.

Berkelman, Minne and Begich have been appointed as such committee on the part of the House.

House File No. 339 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 14, 1981

Mr. Dicklich moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 339, 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 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. 3, 326, 332, 623, 1304, 678 and 775.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 14, 1981

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H. F. No. 3: A bill for an act relating to community social services; defining groups of persons for whom counties are responsible; establishing certain funding levels; clarifying sections of the community social services act; amending Minnesota Statutes 1980, Sections 245.64; 245.66; 245.84, Subdivisions 2 and 5; 252.21; 252.24, Subdivisions 1, 3 and 4; 252.27, Subdivisions 1 and 2; 254A.03, Subdivision 1; 254A.05, Subdivision 1; 254A.07, Subdivision 2; 254A.08, Subdivision 1; 256E.03, Subdivision 2; 256E.04, Subdivision 1; 256E.05, Subdivisions 2 and 3; 256E.06, Subdivisions 1, 2, 4, and 5; 256E.07, Subdivision 2; 256E.08, Subdivisions 1, 7 and 9; 256E.09, Subdivisions 1, 3, and by adding a subdivision; 256E.10; and 256E.12, Subdivision 3; repealing Minnesota Statutes 1980, Sections 245.67; 245.68;

245.72; 252.26; 256E.06, Subdivision 11; and 261.27.

Referred to the Committee on Health, Welfare and Corrections.

H. F. No. 326: A bill for an act relating to health; changing eligibility requirements for catastrophic health expense protection; including insurance premiums; appropriating money; amending Minnesota Statutes 1980, Sections 62E.52, Subdivisions 2 and 3; 62E.53, Subdivisions 1 and 2; and 62E.531, Subdivision 2.

Referred to the Committee on Finance.

H. F. No. 332: A bill for an act relating to franchises; providing for the regulation of motor vehicle franchises; prohibiting certain practices by motor vehicle manufacturers; removing motor vehicle franchises from the general statutory provisions regarding franchises; requiring motor fuel franchises to extend to and bind the successors of both parties; prescribing penalties; providing remedies; amending Minnesota Statutes 1980, Section 80C.01, Subdivision 4; proposing new law coded as Minnesota Statutes, Chapters 80C and 80E; repealing Minnesota Statutes 1980, Sections 168.27, Subdivision 21; and 325D.17 to 325D.29.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 352, now on the Calendar.

H. F. No. 623: A bill for an act relating to commerce; providing for an alternative method of meeting the organizational membership requirement for the conducting of bingo occasions, operation of gambling devices, and conducting of raffles by organizations; amending Minnesota Statutes 1980, Sections 349.14; and 349.26, Subdivision 9.

Referred to the Committee on Commerce.

H. F. No. 1304: A bill for an act relating to state government; providing for deficiencies in and supplementing appropriations for the expenses of state government; appropriating money.

Referred to the Committee on Finance.

H. F. No. 678: A bill for an act relating to elections; changing certain election procedures, requirements and time limits; amending Minnesota Statutes 1980, Sections 201.071, Subdivision 1; 202A.26, Subdivision 1; 203A.22, Subdivision 4; 203A.31, Subdivisions 1 and 3; 203A.32; 204A.04, Subdivision 1; 204A.13, Subdivision 1; 204A.17, Subdivision 1; 204A.53, Subdivision 2; 204A.54, Subdivision 1; 205.03, Subdivisions 1 and 3; 207.03, Subdivision 1; 207.04, Subdivision 1; and 207.20, Subdivision 1; repealing Minnesota Statutes 1980, Sections 201.091, Subdivision 5; and 202A.54.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 820, now on General Orders.

H. F. No. 775: A bill for an act relating to public utilities; removing municipal utilities from public utilities commission jurisdiction and granting an option in regard thereto; amending Minnesota Statutes 1980, Section 216B.11; proposing new law coded in Minnesota Statutes, Chapter 216B; repealing Minnesota Statutes 1980, Sections 216B.10, Subdivision 6; 216B.12, Subdivision 2; and 216B.13, Subdivision 2.

Referred to the Committee on Commerce.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of reports pertaining to appointments. The motion prevailed.

Mr. Johnson from the Committee on Taxes and Tax Laws, to which was re-referred

S. F. No. 814: A bill for an act relating to metropolitan government; removing the city of Victoria from the metropolitan transit taxing district; amending Minnesota Statutes 1980, Section 473.446, Subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 32, after "*Washington*" insert ", *and shall apply to taxes levied in 1981, payable in 1982 and thereafter*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson from the Committee on Taxes and Tax Laws, to which was referred

H. F. No. 435: A bill for an act relating to taxation; income; property tax refund; adopting certain federal income tax amendments; amending Minnesota Statutes 1980, Sections 290.01, Subdivision 20; 290.06, Subdivision 14; 290.07, Subdivision 5; 290.077, Subdivision 4; 290.08, Subdivisions 8 and 20; 290.09, Subdivisions 3, 4, 17a, and 19; 290.091; 290.131, Subdivision 2; 290.132, Subdivision 2; 290.135, Subdivision 2; 290.136, Subdivision 1; 290.138, by adding a subdivision; 290.26, Subdivision 2; 290.31, Subdivision 3; 290.41, by adding subdivisions; 290.92, Subdivision 20; 290.934, Subdivision 4; 290.971, by adding a subdivision; 290A.03, Subdivision 3; 474.12, Subdivision 2; and Laws 1980, Chapter 607, Article I, Section 34; repealing Minnesota Statutes 1980, Sections 290.08, Subdivisions 7 and 13; 290.09, Subdivision 12; 290.136, Subdivisions 2, 3, 4, 5, 6, 7, and 9; 290.137, and 290.138, Subdivisions 1 and 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 20, line 17, after "*to*" insert "*corporations taxable under sections 290.02 or 290.361, or to*"

Page 20, line 18, after "*estates,*" insert "*or*" and delete " , *or corporations taxable under*"

Page 20, line 19, delete the new language

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson from the Committee on Taxes and Tax Laws, to which was referred

H. F. No. 739: A bill for an act relating to local government; regulating the

tax levy of the joint recreation and park board of the city of Hibbing and Independent School District 701; amending Laws 1971, Chapter 573, Section 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, after "on" insert ", *in the case of the tax levied pursuant to section 1,*"

Page 1, line 15, after "1971" insert ", *and, in the case of the tax levied pursuant to section 2, subdivision 2, January 1, 1981*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Public Employees and Pensions, to which was referred

S. F. No. 152: A bill for an act relating to retirement; authorizing the purchase of prior service credit by certain court reporters.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [FUTURE PENSION COVERAGE FOR CERTAIN WEST ST. PAUL POLICE OFFICERS: REFUND OF CERTAIN MEMBER CONTRIBUTIONS.]

Subdivision 1. [COVERAGE FOR FUTURE SERVICE.] *Notwithstanding any provision of law to the contrary, any West St. Paul police officer who was employed as a police officer by the city of West St. Paul on February 4, 1980, who became a member of the West St. Paul police relief association on August 4, 1980, and who was previously employed as a police officer by the city of Lilydale, shall be entitled, on or before January 1, 1982, to elect to have retirement coverage for all service as a police officer rendered subsequent to the date of the election be provided by the public employees police and fire fund governed pursuant to Minnesota Statutes, Chapter 353, and not be provided by the West St. Paul police relief association governed pursuant to Minnesota Statutes, Sections 69.77 and 423.37 to 423.392 and Laws 1967, Chapter 751. The election shall be made in writing and shall be filed with the clerk for the city of West St. Paul, who shall promptly notify the executive director of the public employees retirement association of the election of the change in retirement coverage.*

Subd. 2. [REFUND OF MEMBER CONTRIBUTIONS.] *If the election of a change in retirement coverage is made, any person to whom subdivision 1 applies shall be entitled, upon written application filed with the secretary of the West St. Paul police relief association, to a refund of all accumulated member contributions to the credit of the person, without interest, from the special fund of the West St. Paul police relief association.*

Sec. 2. [PURCHASE OF PRIOR SERVICE CREDIT BY CERTAIN PERSONS.]

Subdivision 1. [ELIGIBILITY.] *Notwithstanding any provision of law to*

the contrary, the following persons shall be entitled to purchase prior service credit from the appropriate retirement fund for service for which the person has not previously received service credit from that fund:

(a) From the Minnesota state retirement system, any person who was employed by the Minnesota department of veterans affairs from October 3, 1949 to January 15, 1951, and from August 1973 until November 3, 1973, and who is currently employed by the occupational safety and health division of the department of labor and industry, for the period from October 3, 1949 to January 15, 1951;

(b) From the public employees retirement association; any person who was employed by the city of Minneapolis as a municipal court reporter from January 1, 1943 until April 30, 1945, and from May 1, 1946 until August 31, 1949, who was granted a leave of absence to enter military service from April 30, 1945 until April 30, 1946, and who, subsequent to becoming an employee of the county of Hennepin, purchased prior service in the public employees retirement association for the non-military service rendered as an employee of the city of Minneapolis, for the one year of service credit representing the year of previously uncredited military service;

(c) From the public employees retirement association, a retired member of the public employees retirement association who served as a Mille Lacs county commissioner and who was born on June 18, 1915, for his actual period of service between January 1, 1957 and December 31, 1959;

(d) From the public employees police and fire fund, the person who was a firefighter in the city of St. Paul and who is currently employed by the city of Brainerd in the position of fire chief, for that period of service spent as an employee of the city of St. Paul and member of the St. Paul firefighters relief association;

(e) From the teachers retirement association, any person currently employed as a professor by the university of Minnesota at the Duluth campus, who was born on July 5, 1919, who was previously a member of the teachers retirement association, and who, on June 23, 1961, completed an agreement to pay for the purchase of prior service arrears amounts to the teachers retirement association, for that period of time covered by the arrears agreement;

(f) From the public employees police and fire fund, any West St. Paul police officer who was employed as a police officer by the city of West St. Paul on February 4, 1980, who became a member of the West St. Paul police relief association on August 4, 1980, and who was previously employed as a police officer by the city of Lilydale, for all service as a police officer rendered subsequent to the date of the election be provided by the public employees police and fire fund governed pursuant to Minnesota Statutes, Chapter 353, and not be provided by the West St. Paul police relief association governed pursuant to Minnesota Statutes, Sections 69.77 and 423.37 to 423.392, and Laws 1967, Chapter 751;

(g) From the Minnesota state retirement system, any person who is a member of the Minnesota state retirement system, who was employed by the military department at Camp Ripley commencing April 1, 1950 and ending February 15, 1951, and who was engaged in active military service commencing February 15, 1951 and ending February 21, 1953, for the period from April 1, 1950

to February 21, 1953; and

(h) From the Minnesota state retirement system, any person with prior intermittent service as a legislative employee who either is a current permanent employee of the legislature or who is an employee in the classified or unclassified service of the state for the period of prior intermittent legislative service.

Subd. 2. [PAYMENT.] *For the persons entitled to purchase prior service pursuant to subdivision 1, clauses (a), (b), (c), (d), (e), (f), and (g), there shall be paid to the applicable retirement fund an amount equal to the present value, on the date of payment, of the amount of the additional service pension or retirement annuity which would be obtained by virtue of the purchase of the additional service credit, using the interest rate specified in Minnesota Statutes, Section 356.215, Subdivision 4, clause (4), and the applicable mortality table adopted for the appropriate retirement fund or association and assuming continuous service until, and retirement at, the normal retirement age for the appropriate retirement fund or association and a future salary history which includes annual salary increases at the salary increase rate specified in Minnesota Statutes, Section 356.215, Subdivision 4, clause (4). Payment shall be made in one lump sum, unless the executive director of the appropriate retirement fund or association agrees to accept payment in installments over a period of not to exceed three years from the date of the agreement, with interest at a rate deemed appropriate by the executive director. The period of allowable service shall be credited to the account of the person only after receipt of full payment by the executive director. Payment shall be made by the person entitled to purchase prior service, except that the current or former employer of the person may, at its discretion, pay all or any portion of the payment amount which exceeds an amount equal to the employee contribution rates in effect for the retirement fund during the period or periods of prior service applied to the actual salary rates in effect during the period or periods of prior service, plus interest at the rate of six percent per annum compounded annually from the date on which the contributions would otherwise have been made to the date on which the payment is made.*

For persons entitled to purchase prior service pursuant to subdivision 1, clause (h), the purchase may be made by paying to the Minnesota state retirement system an amount equal to the current employee contribution rates in effect for the Minnesota state retirement system applied to the current salary rate multiplied by the days and months of prior intermittent legislative service. Proof of employment by the legislature and the duration thereof shall be established by certification of the committee on rules and legislative administration of the house of representatives. Certification to the director of the Minnesota state retirement system shall include the exact periods of employment for which the employee is entitled to obtain service credit. The service credit shall be computed and granted based on the relationship that the intermittent service bears to full employment. The payments permitted herein in the case of a person who is or was a senate employee shall be matched by the senate and in the case of a person who is or was a house employee shall be matched by the house of representatives. Any necessary sums are hereby appropriated from the respective legislative expense funds and transferred to the Minnesota state retirement system. If the employee at the time of payment is a participant in the unclassified program, the payment by the employee and employer shall be used to purchase shares in the Minnesota supplemental fund. Authority to make a

lump sum payment or to make an agreement to make installment payments shall expire on July 1, 1982.

Subd. 3. [RECALCULATION OF ANNUITY.] *After payment is received by the public employees retirement association from the person entitled to purchase prior service pursuant to subdivision 1, clause (c), the public employees retirement association shall recompute the retirement annuity to include the additional service credit. The recomputed benefit shall accrue on the first day of the month following the receipt of payment and the crediting of the additional service credit shall be payable as soon as is practicable thereafter.*

Sec. 3. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Amend the title as follows:

Page 1, delete lines 2 and 3 and insert: "relating to retirement; authorizing certain persons to purchase prior service credit; authorizing certain persons to change retirement coverage for future service."

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 Public Employees and Pensions, to which was referred

S. F. No. 1106: A bill for an act relating to retirement; clarifying certain ambiguous provisions; correcting certain oversights, inconsistencies, unintended results and erroneous provisions; eliminating certain redundant, obsolete or conflicting provisions; amending Minnesota Statutes 1980, Sections 3.85, Subdivision 3; 3A.01, Subdivisions 2 and 7; 3A.02, Subdivision 1; 3A.04, Subdivisions 1, 1a, 2 and 4; 3A.05; 3A.09; 3A.11, Subdivisions 1 and 2; 3A.12, Subdivision 1; 11A.17, Subdivision 11; 11A.23, Subdivision 2; 15A.083, Subdivision 3; 16A.19; 69.011, Subdivision 1; 69.031, Subdivisions 5 and 6; 69.051, Subdivision 1; 69.77, Subdivisions 1, 1a, 2 and 2a; 69.772, Subdivisions 2 and 2a; 69.773, Subdivision 2; 118.01, Subdivision 11; 136.80, Subdivision 1; 136.81; 136.82; 136.83; 136.85; 136.87, Subdivisions 1 and 2; 275.125, Subdivision 6a; 275.50, Subdivision 5; 352.01, Subdivisions 2A, 11, 19 and 23; 352.029, Subdivision 1; 352.03, Subdivision 6; 352.113, Subdivision 4; 352.115, Subdivision 10; 352.116, Subdivision 3; 352.12, Subdivision 11; 352.22, Subdivisions 2a, 3 and 10; 352.72, Subdivisions 2 and 4; 352.75; 352.85, by adding a subdivision; 352.90; 352.91, Subdivision 2; 352B.02, Subdivision 1; 352B.075, Subdivision 1; 352B.08, Subdivision 2; 352B.11, Subdivision 2; 352B.26, Subdivisions 1 and 3; 352C.031, by adding a subdivision; 352C.04, Subdivision 1; 352D.02, Subdivisions 1 and 2; 352D.04, Subdivision 2; 352D.09, Subdivision 1; 352E.01, Subdivision 1; 353.01, Subdivisions 6, 7 and 10; 353.023; 353.03, Subdivision 1; 353.16; 353.28, Subdivisions 6 and 8; 353.29, Subdivision 4; 353.30, Subdivision 1c; 353.31, Subdivisions 1 and 9; 353.32, Subdivision 1a; 353.33, Subdivision 2; 353.34, Subdivision 3; 353.36, Subdivision 2; 353.37, Subdivisions 1 and 1a; 353.46, Subdivision 1a, and by adding a subdivision; 353.64, by adding a subdivision; 353.656, Subdivision 6; 353.71, Subdivision 1; 354.05, Subdivisions 2, 13, 24, 25 and 26; 354.06, Subdivision 1; 354.07, Subdivision 1; 354.091; 354.092; 354.094; 354.43, Subdivision 4; 354.44, Subdivisions 1a, 4, 5, 6, 7 and 8; 354.47, Subdivision

1; 354.48, Subdivision 10, and by adding a subdivision; 354.50, Subdivision 2; 354.51, Subdivisions 1, 4 and 5; 354.52, Subdivisions 2, 3 and 4; 354.53, Subdivisions 1 and 3; 354.55, Subdivision 11; 354.56; 354.57; 354.60; 354.62, Subdivision 5; 354.66; 354.69; 354A.011, Subdivision 27; 354A.091, Subdivisions 1 and 6; 354A.092; 354A.094, Subdivisions 3, 8, 11, and by adding a subdivision; 354A.31, Subdivision 3; 354A.35, Subdivisions 2 and 3; 355.07; 355.11, Subdivisions 2, 4 and 5; 355.13, Subdivision 2; 355.21, Subdivisions 2 and 4; 355.22; 355.23, Subdivision 1; 355.29, Subdivisions 1, 3 and 4; 355.311, Subdivisions 1, 2 and 4; 355.41, Subdivisions 2, 3, 4 and 7; 355.46, Subdivision 3; 355.71, Subdivision 6; 355.72; 356.18, Subdivision 1; 356.20; 356.215; 356.216; 356.22, Subdivision 1; 356.24; 356.25; 356.32, Subdivision 1; 356.39; 356.45, Subdivision 2; 356.60, Subdivision 1; 422A.01, Subdivision 11; 422A.06, Subdivisions 2, 3 and 5; 422A.08, Subdivisions 1 and 5; 422A.09, Subdivision 3; 422A.101; 422A.11, Subdivision 1; 422A.15, Subdivision 1; 422A.16, Subdivision 8; 422A.22, Subdivision 2; 422A.23, Subdivision 5; 422A.24; 422A.26; 423.075, Subdivision 1; 423.38; 423.801, Subdivision 2; 423.802; 423.805; 423.806, Subdivision 1; 423.807, Subdivisions 1 and 2; 423.808; 423.809, Subdivisions 1 and 2; 423.810, Subdivision 1; 423.815, Subdivision 1; 423A.04; 424A.01, Subdivision 2; 424A.02, Subdivisions 1, 3, 4, 8 and 9; 424A.04; 424A.05, Subdivisions 1 and 3; 458.18, Subdivision 1; 484.61; 484.68, Subdivision 8; 488A.115; 488A.285; 490.101, Subdivision 2; 490.106; 490.107; 490.12, by adding a subdivision; 490.121, Subdivisions 1, 4, 6 and 7; 490.122; 490.123, Subdivision 1; 490.124, Subdivisions 1, 2, 6 and 10; 490.126, Subdivision 1; 490.129; and 490.132; Laws 1955, Chapter 75, Section 12, Subdivision 2, as amended; Laws 1959, Chapter 131, Section 10, Subdivision 1, as amended; Laws 1965, Chapters 446, Section 7, Subdivision 1, as amended; 458, Section 3, Subdivision 2, as amended; and 498, Section 1, Subdivision 1, as amended; Laws 1967, Chapters 575, Section 9, Subdivision 2; 742, Section 2; 775, Section 8, as amended; 798, Section 1, Subdivision 1, as amended; and 815, Section 8, Subdivision 1; Laws 1969, Chapters 526, Section 11, Subdivision 1; 576, Section 1, Subdivision 1, as amended; 641, Section 2, Subdivision 1, as amended; 719, Section 2; 1088, Section 8, Subdivision 1, as amended; and 1105, Section 4; Laws 1971, Chapters 51, Sections 9, as amended, and 10, Subdivision 2, as amended; 114, Section 8, Subdivision 1; 184, Sections 4 and 5; 214, Section 10; 407, Section 1, Subdivisions 2 and 3; 614, Section 2; and 810, Section 7, as amended; Laws 1973, Chapters 304, Section 3, Subdivision 1; and 587, Section 1, Subdivisions 3, as amended, and 5, as amended; Laws 1974, Chapter 251, Section 1, Subdivisions 2 and 3; Laws 1975, Chapter 424, Section 11; as amended; Laws 1976, Chapter 36, Sections 2, 3 and 4; Laws 1977, Chapter 61, Section 5, Subdivision 2, as amended; and Laws 1978, Chapter 689, Sections 4, Subdivision 2, and 8; proposing new law coded in Minnesota Statutes, Chapters 345, 352, 353, 355 and 356; repealing Minnesota Statutes 1980, Sections 136.86; 352.115, Subdivision 13; 352.1181; 352D.10; 354.09, Subdivisions 1 and 4; 354.41, Subdivisions 3, 6 and 8; 355.302; 355.303; 355.304; 355.305; 355.306; 355.307; 355.308; 355.309; 355.53; 355.73, Subdivisions 5, 6 and 7; 356.18, Subdivision 2; 422A.01, Subdivisions 14, 15 and 16; 422A.08, Subdivisions 2, 3, 4 and 6; 422A.081; 422A.091; 422A.30; 422A.31; 422A.32; 422A.33; 422A.34; 422A.35; 422A.39; 423.075, Subdivision 2; 423.815, Subdivision 3; 487.06; 490.104; 490.127; 490.128; and 490.13; Laws 1969, Chapter 252; Laws 1973, Chapter 481; Laws 1975, Chapter 429; Laws 1978, Chapter 538, Section 6; and Laws 1980, Chapters 342, Section 20; and 509, Section 135.

Reports the same back with the recommendation that the bill be amended as

follows:

Page 7, line 4, after the first "*the*" insert "*average monthly*"

Page 7, line 8, after "*the*" insert "*first day of the month next following the*"

Page 8, line 3, after "*the*" insert "*average monthly*"

Page 8, line 14, after "*the*" insert "*first day of the month next following the*"

Page 13, after line 36, insert:

"Sec. 18. Minnesota Statutes 1980, Section 43.051, Subdivision 4, is amended to read:

Subd. 4. (1) Notwithstanding any provisions of ~~chapters 352A and~~ *chapter* 352B or any other law to the contrary, conservation officers and crime bureau officers who are first employed on or after July 1, 1973 and are members of the highway ~~patrolmen's~~ *patrol* retirement association by reason of their employment, shall not continue employment after attaining the age of 60 years, except for such fractional portion of one year as will enable the employee to complete ~~his~~ *the employee's* next full year of allowable service *as defined pursuant to section 352B.01, subdivision 3.*

(2) Notwithstanding any provisions of ~~chapters 352A and~~ *chapter* 352B or any other law to the contrary, conservation officers and crime bureau officers who are first employed and are members of the highway ~~patrolmen's~~ *patrol* retirement association by reason of their employment before July 1, 1973, shall be governed by the same mandatory retirement regulations applied to other state employees who are covered by the Minnesota state retirement system.

(3) Notwithstanding any provisions of chapter 352B or any other law to the contrary, members of the Minnesota highway patrol division of the department of public safety who are members of the highway patrol retirement association by reason of their employment, shall not continue employment after attaining the age of 60 years, except for such fractional portion of one year as will enable the employee to complete the employee's next full year of allowable service as defined pursuant to section 352B.01, subdivision 3."

Page 31, line 30, strike "136.86" and insert "*136.85*"

Page 31, line 36, strike "136.86" and insert "*136.85*"

Page 37, line 9, delete "*in*"

Page 37, line 28, after "*individual*" insert a period

Page 37, line 36, after "*the*" insert "*first day of the month next following the*"

Page 65, delete section 61

Page 65, line 27, after the period, insert "*The term "average monthly salary" shall not include any reduced salary paid during the period the person is entitled to benefit payments from the workers' compensation court of appeals for temporary disability.*"

Page 67, line 20, strike "himself" and insert "*from full-time attendance*"

Page 75, line 33, delete "*No.*" and insert "*no.*"

Page 87, line 26, after the period, insert "*The disability benefit amount attributable to service as a member of the basic program of the Minneapolis municipal employees retirement fund shall be payable by the Minneapolis municipal employees retirement fund and the disability benefit amount attributable to all other service shall be payable by the public employees retirement association.*"

Page 89, line 34, after "association" insert "*unless the employee is covered by the Minnesota state retirement system by virtue of prior employment by the association*"

Page 91, line 18, strike "sections" and insert "*Minnesota Statutes 1980, Section*" and after "354.09" strike the comma and insert "*and section*"

Page 91, line 27, strike "sections" and insert "*Minnesota Statutes 1980, Section*" and after "and" insert "*section*"

Page 91, line 30, strike "sections" and insert "*Minnesota Statutes 1980, Section*" and after "4," insert "*sections*"

Page 93, line 14, strike "ADJUSTABLE FIXED BENEFIT" and insert "*POST-RETIREMENT INVESTMENT FUND*"

Pages 95 to 99, delete sections 105 to 107

Page 103, line 15, delete "*for*"

Page 106, line 1, delete "*reaches*" and insert "*attains*"

Page 106, line 28, delete "*retirement*"

Page 108, line 12, after "Each" insert "*school*" and strike "of education"

Page 108, line 26, after "officer," insert "*school*" and strike the second "of"

Page 108, line 27, strike "education"

Page 116, line 22, delete "*retirement*"

Page 116, line 34, delete "*rate*"

Page 117, lines 17 and 22, delete "*membership,*"

Page 118, line 9, delete "*membership*"

Page 118, line 10, delete "*in,*"

Page 118, lines 22 and 28, delete "*membership in,*"

Page 119, lines 1, 12, 19, 26, 31 and 36, delete "*membership in,*"

Page 120, line 4, delete "*membership in,*"

Page 129, line 17, delete "*other than a soil and water*"

Page 129, line 18, delete "*conservation district specified in section 353.022*"

Page 129, line 19, strike "Minnesota Statutes,"

Page 129, line 29, delete "*other than a soil and water conservation district*"

Page 129, line 30, delete "*specified in section 353.022*"

Page 132, line 10, strike "Municipalities" and insert " *Cities*"

Page 134, line 33, delete "*355.08*" and insert "*355.07*"

Page 135, line 24, delete "*contribution of a*" and insert " *judge shall pay into the contribution fund established pursuant to section 355.04, an employee contribution on wages*"

Page 135, delete line 25

Page 135, line 26, delete "*reduced by an amount*"

Page 135, line 27, after the period, insert "*This contribution shall be made from the contribution made by the judge pursuant to section 490.123, subdivision 1.*"

Page 137, line 24, delete "*personnel*" and insert "*employee relations*"

Page 138, after line 14, insert:

"Sec. 169. Minnesota Statutes 1980, Section 355.73, is amended by adding a subdivision to read:

Subd. 8. Any hospital employee excluded from retirement coverage by the public employees retirement association pursuant to subdivision 5, shall continue to be excluded from that retirement coverage so long as the person remains employed as a hospital employee."

Page 144, line 25, delete "*fifth*" and insert "*sixth*"

Page 152, line 34, strike "shall be" and insert "*is*"

Page 154, lines 18 and 19, strike the headnote insert "*BASIS FOR SUBSEQUENT POST RETIREMENT ADJUSTMENTS.*"

Page 156, line 28, after "*contributions*" insert ", *any outstanding unpaid annuity, service pension or other retirement benefit payments, including those made on warrants issued by the commissioner of finance, which have been issued and delivered for more than six years prior to the date of the end of the fiscal year applicable to the public pension fund,*"

Page 158, line 17, strike "adjustable fixed-benefit" and insert "*post retirement investment*"

Page 158, line 32, strike "adjustable fixed-benefit" and insert "*post retirement investment*"

Page 168, line 18, strike "for"

Page 180, delete section 210

Pages 182 to 187, delete sections 212 and 213

Pages 188 and 189, delete section 215

Pages 191 and 192, delete section 218

Page 193, after line 31, insert:

"Sec. 217. Minnesota Statutes 1980, Section 487.01, Subdivision 7, is amended to read:

Subd. 7. When the judicial business of a county court permits, the chief

justice of the supreme court, upon the recommendation of all of the county boards of a county court district may, by order filed in the office of the secretary of state, reduce the number of county court judges. The office of any judge shall not be terminated until the expiration of ~~his~~ *the* term ~~and~~ *of* the judge ~~shall be eligible for retirement compensations under the provisions of section 487.06~~.

Sec. 218. Minnesota Statutes 1980, Section 487.01, Subdivision 9, is amended to read:

Subd. 9. (1) All probate judges in office on July 1, 1972 shall be the county court judges of their respective counties and shall continue in office as such for the balance of the terms for which they were last elected and shall be eligible for reelection to office. In counties hereby combined into county court districts and for which only one judge is provided, the probate judge of the county having the largest population determined by the last United States census shall be the judge of the county court if he consents, and files his consent prior to July 1, 1972 in the office of the secretary of state. If he does not consent, the probate judge of the smaller county shall be the judge of the county court. In counties combined into county court districts for which only one judge is provided, a probate judge in any of the affected counties who at the effective date of this act, is, or before or at the expiration of his then current term of office will become, eligible for retirement pursuant to section ~~487.06~~ *230* shall not become county court judge upon the effective date of this act, but he shall serve as a judicial officer until his retirement which shall occur not later than the expiration of his then current term of office. If all probate judges in such a county court district will qualify for retirement pursuant to section ~~487.06~~ *230* at or before the expiration of their current term of office as of the effective date of this act, the county court judge shall be selected according to the population of the respective counties in the county court district as hereinbefore provided in subparagraph 1. The probate judge who is not hereby designated as judge of the county court shall continue in office until the expiration of his term and become a part time judicial officer of the county court, hearing and trying matters assigned to him by the judge of the county court but, if he is not learned in the law, then he shall hear and try only matters assigned to him by the judge of the county court he was heretofore authorized by law to hear and try.

(1a) The probate judges of St. Louis county probate court in office on January 1, 1974 shall be county court judges of the county court of St. Louis county and shall continue in office as such for the balance of the terms for which they were last elected and shall be eligible for reelection to office.

(2) Except as provided in subparagraph 1, the judges required by the application of this section shall be appointed by the governor from among the municipal court judges or magistrates serving pursuant to a municipal ordinance, charter, or legislative act other than special municipal court judges serving within the county who are learned in the law and consent thereto. A judge so appointed shall serve until his successor is elected and qualifies. If there are no serving municipal court judges, such county court judges shall be elected at the next general election following July 1, 1972.

(2a) Except as provided in subparagraph 1a, the judges required by the application of this section in the south district of the county court of St. Louis county shall be appointed by the governor from among the full time judges of

the municipal court of the city of Duluth in office on January 1, 1974, and a judge so appointed shall serve until his successor is elected and qualifies; and the judges required in the northwest and northeast districts of the county court of St. Louis county shall be appointed by the governor from among persons learned in the law residing in each district, and a judge so appointed shall serve until his successor is elected and qualifies."

Page 194, line 18, strike "; RETIREMENT FUND"

Page 195, line 31, strike "fraction"

Page 195, line 32, before "*service*" insert "*fractional*"

Page 196, line 34, delete "*the*"

Page 198, line 17, delete "*227*" and insert "*222*"

Page 199, line 10, strike "The retirement benefits due and"

Page 199, lines 11 to 24, strike the old language and delete the new

Page 199, line 25, strike "(5)"

Page 199, line 31, after "to" insert "*this*" and strike "(4)"

Page 201, after line 13, insert:

"*Any judge whose office is terminated pursuant to section 487.01, subdivision 7, shall be eligible for a retirement allowance pursuant to the provisions of this section.*"

Page 204, line 31, strike "60" and insert "*90*"

Page 219, line 27, strike "must" and insert "*shall*"

Page 230, line 20, delete "*Subdivision 3,*" and insert " *Subdivisions*"

Page 230, line 29, after "*135*" insert "*are repealed*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 12, after "16A.19;" insert "43.051, Subdivision 4;"

Page 1, line 25, delete "352B.075, Subdivision 1;"

Page 1, line 41, delete "354.091; 354.092; 354.094;"

Page 2, line 11, after "355.72;" insert "355.73, by adding a subdivision;"

Page 2, line 24, delete "424A.01, Subdivision 2;"

Page 2, line 25, delete ", 3, 4," and insert "and" and delete "and 9"

Page 2, line 25, after "424A.05," delete "Subdivisions" and insert "Subdivision" and delete the second "and"

Page 2, line 26, delete "3"

Page 2, line 27, after "8;" insert "487.01, Subdivisions 7 and 9;"

Page 2, line 61, delete "3,"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Public Employees and Pensions, to which

was referred

S. F. No. 132: A bill for an act relating to retirement; Duluth teachers retirement fund association; authorizing an increase in retirement allowances and benefits for certain teachers; establishing a new coordinated retirement program within the retirement fund association; amending Minnesota Statutes 1980, Sections 354A.011, Subdivision 11; 354A.092; 354A.093; 354A.12, Subdivisions 1 and 2; 354A.24; 354A.32; 354A.39; and 354A.41.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Spear from the Committee on Public Employees and Pensions, to which was referred

H. F. No. 420: A bill for an act relating to the bureau of criminal apprehension; including the superintendent within workers' compensation coverage; amending Minnesota Statutes 1980, Section 299C.19.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Johnson from the Committee on Taxes and Tax Laws, to which was referred the following appointment as reported in the Journal for March 12, 1981:

TAX COURT

Carl A. Jensen

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 was referred

H. F. No. 972 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.
972	846				

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 were referred

H. F. Nos. 396 and 486 for comparison with companion Senate Files, reports the following House Files were found not identical with their compan-

ion Senate Files 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.
486	457			396	745

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 396 be amended as follows:

Page 1, line 11, before the period insert "TO SURVIVING RELATIVES"

Page 1, delete lines 12 to 16 and insert:

"*Upon the death of any person who served six years or more in the Minnesota National Guard, the adjutant general shall furnish an American flag to the closest surviving relative of the deceased guardsman or former guardsman.*"

Amend the title as follows:

Page 1, line 3, delete "upon request of" and insert "to the closest surviving relative of a deceased person who served six or more years in the Minnesota National Guard"

Page 1, delete lines 4 and 5

Page 1, line 6, delete "national guard"

And when so amended H. F. No. 396 will be identical to S. F.No. 745, and further recommends that H. F. No. 396 be given its second reading and substituted for S. F. No. 745, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 486 be amended as follows:

Page 1, line 19, delete "avoiding direct military participation in" and insert "removing American military advisors from"

Page 1, line 22, delete "avoid all" and insert "cease all military and economic aid to El Salvador and to condemn the terrorism in that country."

Page 1, delete lines 23 to 25

Page 2, delete lines 1 and 2

Amend the title as follows:

Page 1, line 3, delete "avoid direct military involvement in" and insert "cease all military and economic aid to"

And when so amended H. F. No. 486 will be identical to S. F.No. 457, and further recommends that H. F. No. 486 be given its second reading and substituted for S. F. No. 457, 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. 814 and 1106 were read the second time.

SECOND READING OF HOUSE BILLS

H. F. Nos. 435, 739, 420, 972, 396 and 486 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Wegener moved that H. F. No. 241 be withdrawn from the Committee on Local Government and Urban Affairs and re-referred to the Committee on Rules and Administration for comparison with S. F. No. 1118. The motion prevailed.

Messrs. Bang and Petty introduced—

Senate Resolution No. 52: A Senate resolution extending congratulations to Judith Guest of Edina for her authorship of the book "Ordinary People."

Referred to the Committee on Rules and Administration.

Mr. Lessard moved that S. F. No. 336 be taken from the table. The motion prevailed.

S. F. No. 336: A bill for an act relating to local government; making explicit the power of local government units to establish more than one recreation board; amending Minnesota Statutes 1980, Section 471.15.

CONCURRENCE AND REPASSAGE

Mr. Lessard moved that the Senate concur in the amendments by the House to S. F. No. 336 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 336 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kroening	Penny	Spear
Bang	Dieterich	Kronebusch	Peterson, C.C.	Stokowski
Belanger	Engler	Langseth	Peterson, D.L.	Stumpf
Benson	Frank	Lantry	Peterson, R.W.	Taylor
Berg	Frederick	Lessard	Petty	Tennessen
Berglin	Frederickson	Lindgren	Pillsbury	Ulland
Bernhagen	Hanson	Luther	Ramstad	Vega
Bertram	Hughes	Menning	Renneke	Waldorf
Brataas	Humphrey	Merriam	Rued	Wegener
Chmielewski	Johnson	Moe, R.D.	Schmitz	Willet
Dahl	Keefe	Nelson	Setzepfandt	
Davies	Knoll	Olhoft	Sieloff	
Davis	Knutson	Pehler	Sikorski	

So the bill, as amended, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Wegener moved that S. F. No. 275 be taken from the table. The motion prevailed.

S. F. No. 275: A bill for an act relating to counties; permitting escalation clauses or negotiated price changes in county contracts; clarifying advertising requirements; amending Minnesota Statutes 1980, Section 375.21, Subdivision 1.

CONCURRENCE AND REPASSAGE

Mr. Wegener moved that the Senate concur in the amendments by the House to S. F. No. 275 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 275 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 37 and nays 28, as follows:

Those who voted in the affirmative were:

Bang	Frank	Olhoft	Purfeerst	Stern
Belanger	Frederickson	Pehler	Ramstad	Stokowski
Benson	Knoll	Penny	Renneke	Stumpf
Bertram	Langseth	Peterson, C.C.	Rued	Ulland
Chmielewski	Lantry	Peterson, D.L.	Schmitz	Wegener
Davies	Lessard	Peterson, R.W.	Setzepfandt	
Davis	Luther	Petty	Sieloff	
Dicklich	Nelson	Pillsbury	Spear	

Those who voted in the negative were:

Ashbach	Dieterich	Johnson	Menning	Tennessen
Berg	Engler	Keefe	Merriam	Vega
Berglin	Frederick	Knutson	Moe, D.M.	Waldorf
Bernhagen	Hanson	Kroening	Moe, R.D.	Willet
Brataas	Hughes	Kronebusch	Sikorski	
Dahl	Humphrey	Lindgren	Taylor	

So the bill, as amended, was repassed and its title was agreed to.

SUSPENSION OF RULES

Mr. Moe, R. D. moved that the rules of the Senate be so far suspended as to waive the lie over requirement on the Calendar. The motion prevailed.

CALENDAR

S. F. No. 215: A bill for an act relating to taxation; allowing urban towns to increase their tax levy limit base by eight percent per year; amending Minnesota Statutes 1980, Section 275.52, Subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Penny	Sikorski
Bang	Dieterich	Langseth	Peterson, D.L.	Spear
Belanger	Frank	Lantry	Peterson, R.W.	Stern
Benson	Frederick	Lessard	Petty	Stokowski
Berg	Frederickson	Lindgren	Pillsbury	Stumpf
Bernhagen	Hanson	Luther	Purfeerst	Taylor
Bertram	Hughes	Menning	Ramstad	Tennessen
Brataas	Johnson	Merriam	Renneke	Ulland
Chmielewski	Keefe	Moe, D.M.	Rued	Vega
Dahl	Knoll	Moe, R.D.	Schmitz	Waldorf
Davies	Knutson	Olhoft	Setzepfandt	Wegener
Davis	Kroening	Pehler	Sieloff	Willet

So the bill passed and its title was agreed to.

S. F. No. 89: A bill for an act relating to elections; clarifying certain sanctions imposed for violation of fair campaign practices act; providing a good faith exception; amending Minnesota Statutes 1980, Section 210A.39.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Kronebusch	Peterson, D.L.	Stokowski
Bang	Engler	Langseth	Peterson, R.W.	Stumpf
Belanger	Frank	Lantry	Petty	Taylor
Benson	Frederick	Lessard	Pillsbury	Tennessen
Berg	Frederickson	Lindgren	Purfeerst	Ulland
Bernhagen	Hanson	Luther	Ramstad	Vega
Bertram	Hughes	Menning	Renneke	Waldorf
Brataas	Humphrey	Merriam	Rued	Wegener
Chmielewski	Johnson	Moe, D.M.	Schmitz	Willet
Dahl	Keefe	Moe, R.D.	Setzepfandt	
Davies	Knoll	Olhoft	Sikorski	
Davis	Knutson	Penny	Spear	
Dicklich	Kroening	Peterson, C.C.	Stern	

So the bill passed and its title was agreed to.

S. F. No. 520: A bill for an act relating to elections; allowing cities and counties to elect to use data processing systems in lieu of duplicate registration cards; requiring the secretary of state to prescribe alternate forms for duplicate registration files; changing voter verification requirements for cities and counties which elect to use data processing systems; amending Minnesota Statutes 1980, Sections 201.071, Subdivision 4, and by adding subdivisions; 201.221, Subdivision 4; and 204A.29, by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Chmielewski	Frederick	Kroening	Merriam
Bang	Dahl	Frederickson	Kronebusch	Moe, D.M.
Belanger	Davies	Hanson	Langseth	Moe, R.D.
Benson	Davis	Hughes	Lantry	Nelson
Berg	Dicklich	Humphrey	Lessard	Olhoft
Bernhagen	Dieterich	Johnson	Lindgren	Pehler
Bertram	Engler	Knoll	Luther	Penny
Brataas	Frank	Knutson	Menning	Peterson, C.C.

Peterson, D.L.	Ramstad	Sikorski	Taylor	Wegener
Peterson, R.W.	Renneke	Spear	Tennessen	Willet
Petty	Rued	Stern	Ulland	
Pillsbury	Schmitz	Stokowski	Vega	
Purfeerst	Setzepfandt	Stumpf	Waldorf	

So the bill passed and its title was agreed to.

S. F. No. 72: A bill for an act relating to elections; providing a penalty for broadcasting certain false information; exempting certain broadcasters and publishers; amending Minnesota Statutes 1980, Section 210A.04.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 3, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Langseth	Penny	Sikorski
Bang	Engler	Lantry	Peterson, C.C.	Spear
Belanger	Frank	Lessard	Peterson, D.L.	Stern
Benson	Frederickson	Lindgren	Peterson, R.W.	Stokowski
Bernhagen	Hanson	Luther	Petty	Stumpf
Bertram	Hughes	Menning	Pillsbury	Taylor
Brataas	Humphrey	Merriam	Purfeerst	Tennessen
Chmielewski	Johnson	Moe, D.M.	Ramstad	Ulland
Dahl	Keefe	Moe, R.D.	Renneke	Vega
Davies	Knoll	Nelson	Rued	Waldorf
Davis	Kroening	Olhoft	Schmitz	Wegener
Dicklich	Kronebusch	Pehler	Setzepfandt	Willet

Messrs. Berg, Frederick and Knutson voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 250: A bill for an act relating to economic development; raising certain matching grant limitations; changing the composition of a community development corporation board; amending Minnesota Statutes 1980, Sections 362.12, Subdivision 4; and 362.41, Subdivision 6.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 48 and nays 15, as follows:

Those who voted in the affirmative were:

Ashbach	Frank	Kronebusch	Penny	Sikorski
Bang	Frederick	Langseth	Peterson, C.C.	Stern
Belanger	Frederickson	Lessard	Peterson, D.L.	Stokowski
Benson	Hanson	Lindgren	Peterson, R.W.	Taylor
Bernhagen	Hughes	Menning	Pillsbury	Ulland
Brataas	Humphrey	Moe, D.M.	Purfeerst	Waldorf
Chmielewski	Johnson	Moe, R.D.	Ramstad	Wegener
Dahl	Keefe	Nelson	Renneke	Willet
Davis	Knoll	Olhoft	Rued	
Engler	Kroening	Pehler	Schmitz	

Those who voted in the negative were:

Berg	Dicklich	Lantry	Petty	Stumpf
Bertram	Dieterich	Luther	Setzepfandt	Tennessen
Davies	Knutson	Merriam	Spear	Vega

So the bill passed and its title was agreed to.

S. F. No. 489: A bill for an act relating to crimes; immunity from prosecution; changing the current transactional immunity to conform with federal use immunity; amending Minnesota Statutes 1980, Section 609.09, Subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Kronebusch	Penny	Spear
Bang	Engler	Langseth	Peterson, C.C.	Stern
Belanger	Frank	Lantry	Peterson, D.L.	Stokowski
Benson	Frederick	Lessard	Peterson, R.W.	Stumpf
Berg	Frederickson	Lindgren	Petty	Taylor
Bernhagen	Hanson	Luther	Pillsbury	Tennessen
Bertram	Hughes	Menning	Purfeerst	Ulland
Brataas	Humphrey	Merriam	Ramstad	Vega
Chmielewski	Johnson	Moe, D.M.	Renneke	Waldorf
Dahl	Keefe	Moe, R.D.	Rued	Wegener
Davies	Knoll	Nelson	Schmitz	Willet
Davis	Knutson	Olhoft	Setzepfandt	
Dicklich	Kroening	Pehler	Sikorski	

So the bill passed and its title was agreed to.

S. F. No. 522: A bill for an act relating to peace officers; prescribing colors for uniforms; amending Minnesota Statutes 1980, Section 626.88.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Kronebusch	Peterson, C.C.	Stern
Bang	Engler	Langseth	Peterson, D.L.	Stokowski
Belanger	Frank	Lantry	Peterson, R.W.	Stumpf
Benson	Frederick	Lindgren	Petty	Taylor
Berg	Frederickson	Luther	Pillsbury	Tennessen
Bernhagen	Hanson	Menning	Purfeerst	Ulland
Bertram	Hughes	Merriam	Ramstad	Vega
Brataas	Humphrey	Moe, D.M.	Renneke	Waldorf
Chmielewski	Johnson	Moe, R.D.	Rued	Wegener
Dahl	Keefe	Nelson	Schmitz	Willet
Davies	Knoll	Olhoft	Setzepfandt	
Davis	Knutson	Pehler	Sikorski	
Dicklich	Kroening	Penny	Spear	

So the bill passed and its title was agreed to.

S. F. No. 660: A bill for an act relating to counties; providing correct references to certain civil service procedures; amending Minnesota Statutes 1980, Sections 375.58, Subdivision 3; and 375.62.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Kronebusch	Penny	Spear
Bang	Engler	Langseth	Peterson, C.C.	Stern
Belanger	Frank	Lantry	Peterson, D.L.	Stokowski
Benson	Frederick	Lessard	Peterson, R.W.	Stumpf
Berg	Frederickson	Lindgren	Petty	Taylor
Bernhagen	Hanson	Luther	Pillsbury	Tennessen
Bertram	Hughes	Menning	Purfeerst	Ulland
Brataas	Humphrey	Merriam	Ramstad	Vega
Chmielewski	Johnson	Moe, D.M.	Renneke	Waldorf
Dahl	Keefe	Moe, R.D.	Rued	Wegener
Davies	Knoll	Nelson	Schmitz	Willet
Davis	Knutson	Olhoft	Sieloff	
Dicklich	Kroening	Pehler	Sikorski	

So the bill passed and its title was agreed to.

S. F. No. 196: A bill for an act relating to Carver county; providing for payment of expenses of the county commissioners.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 44 and nays 20, as follows:

Those who voted in the affirmative were:

Ashbach	Frank	Kronebusch	Olhoft	Schmitz
Belanger	Frederick	Langseth	Pehler	Sikorski
Benson	Hanson	Lantry	Penny	Spear
Bertram	Hughes	Lessard	Peterson, C.C.	Stern
Brataas	Humphrey	Luther	Petty	Stokowski
Chmielewski	Johnson	Menning	Pillsbury	Tennessen
Dicklich	Keefe	Moe, D.M.	Purfeerst	Vega
Dieterich	Knoll	Moe, R.D.	Ramstad	Waldorf
Engler	Knutson	Nelson	Rued	

Those who voted in the negative were:

Bang	Davies	Lindgren	Renneke	Taylor
Berg	Davis	Merriam	Setzepfandt	Ulland
Bernhagen	Frederickson	Peterson, D.L.	Sieloff	Wegener
Dahl	Kroening	Peterson, R.W.	Stumpf	Willet

So the bill passed and its title was agreed to.

S. F. No. 462: A bill for an act relating to labor; providing for increases in fees for certain steamfitters; prohibiting certain time credit when applying for license; amending Minnesota Statutes 1980, Sections 326.48, Subdivision 1; and 326.50.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 1, as follows:

Those who voted in the affirmative were:

Ashbach	Chmielewski	Frederick	Knutson	Menning
Bang	Dahl	Frederickson	Kroening	Merriam
Belanger	Davies	Hanson	Kronebusch	Moe, D.M.
Benson	Davis	Hughes	Langseth	Moe, R.D.
Berg	Dicklich	Humphrey	Lantry	Nelson
Bernhagen	Dieterich	Johnson	Lessard	Olhoft
Bertram	Engler	Keefe	Lindgren	Pehler
Brataas	Frank	Knoll	Luther	Penny

Peterson, C.C.	Ramstad	Sieloff	Stumpf	Wegener
Peterson, D.L.	Renneke	Sikorski	Taylor	Willet
Peterson, R.W.	Rued	Spear	Ulland	
Petty	Schmitz	Stern	Vega	
Pillsbury	Setzepfandt	Stokowski	Waldorf	

Mr. Tennessen voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 530: A bill for an act relating to game and fish; revising certain provisions concerning the transportation of pistols and revolvers; amending Minnesota Statutes 1980, Section 100.29, Subdivisions 5 and 17.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Kronebusch	Penny	Sikorski
Bang	Engler	Langseth	Peterson, C.C.	Spear
Belanger	Frank	Lantry	Peterson, D.L.	Stern
Benson	Frederick	Lessard	Peterson, R.W.	Stokowski
Berg	Frederickson	Lindgren	Petty	Stumpf
Bernhagen	Hanson	Luther	Pillsbury	Taylor
Bertram	Hughes	Menning	Purfeerst	Tennessen
Brataas	Humphrey	Merriam	Ramstad	Ulland
Chmielewski	Johnson	Moe, D.M.	Renneke	Vega
Dahl	Keefe	Moe, R.D.	Rued	Waldorf
Davies	Knoll	Nelson	Schmitz	Wegener
Davis	Knutson	Olhoft	Setzepfandt	Willet
Dicklich	Kroening	Pehler	Sieloff	

So the bill passed and its title was agreed to.

S. F. No. 741: A bill for an act relating to the town of Woodville; permitting payment of the cemetery directors; repealing Laws 1959, Chapter 149.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kroening	Pehler	Sieloff
Bang	Dieterich	Kronebusch	Penny	Sikorski
Belanger	Engler	Langseth	Peterson, C.C.	Spear
Benson	Frank	Lantry	Peterson, D.L.	Stern
Berg	Frederick	Lessard	Peterson, R.W.	Stokowski
Bernhagen	Frederickson	Lindgren	Petty	Stumpf
Bertram	Hanson	Luther	Pillsbury	Taylor
Brataas	Hughes	Menning	Purfeerst	Tennessen
Chmielewski	Humphrey	Merriam	Ramstad	Ulland
Dahl	Johnson	Moe, D.M.	Renneke	Vega
Davies	Keefe	Nelson	Rued	Waldorf
Davis	Knoll	Olhoft	Schmitz	Wegener

So the bill passed and its title was agreed to.

S. F. No. 408: A bill for an act relating to public welfare; providing for a statewide program of subsidies for families of mentally retarded children;

amending Minnesota Statutes 1980, Section 252.27, Subdivision 4.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Kronebusch	Penny	Sikorski
Bang	Engler	Langseth	Peterson, C.C.	Spear
Belanger	Frank	Lantry	Peterson, D.L.	Stern
Benson	Frederick	Lessard	Peterson, R.W.	Stokowski
Berg	Frederickson	Lindgren	Petty	Stumpf
Bernhagen	Hanson	Luther	Pillsbury	Taylor
Bertram	Hughes	Menning	Purfeerst	Tennessen
Brataas	Humphrey	Merriam	Ramstad	Ulland
Chmielewski	Johnson	Moe, D.M.	Renneke	Vega
Dahl	Keefe	Moe, R.D.	Rued	Waldorf
Davies	Knoll	Nelson	Schmitz	Wegener
Davis	Knutson	Olhoft	Setzepfandt	Willet
Dicklich	Kroening	Pehler	Sieloff	

So the bill passed and its title was agreed to.

S. F. No. 550: A bill for an act relating to education; changing the time period for filing an application to be placed on the ballot for board elections; amending Minnesota Statutes 1980, Section 123.32, Subdivision 4.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Kronebusch	Penny	Sikorski
Bang	Engler	Langseth	Peterson, C.C.	Spear
Belanger	Frank	Lantry	Peterson, D.L.	Stern
Benson	Frederick	Lessard	Peterson, R.W.	Stokowski
Berg	Frederickson	Lindgren	Petty	Stumpf
Bernhagen	Hanson	Luther	Pillsbury	Taylor
Bertram	Hughes	Menning	Purfeerst	Tennessen
Brataas	Humphrey	Merriam	Ramstad	Ulland
Chmielewski	Johnson	Moe, D.M.	Renneke	Vega
Dahl	Keefe	Moe, R.D.	Rued	Waldorf
Davies	Knoll	Nelson	Schmitz	Wegener
Davis	Knutson	Olhoft	Setzepfandt	Willet
Dicklich	Kroening	Pehler	Sieloff	

So the bill passed and its title was agreed to.

S. F. No. 401: A bill for an act relating to elections; changing certain procedures and the effect of absentee ballots; amending Minnesota Statutes 1980, Section 207.05, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 207.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 26 and nays 36, as follows:

Those who voted in the affirmative were:

Ashbach	Brataas	Knutson	Renneke	Ulland
Bang	Chmielewski	Kronebusch	Rued	Willet
Belanger	Davies	Lindgren	Sieloff	
Benson	Engler	Peterson, D.L.	Spear	
Berg	Frederick	Pillsbury	Stumpf	
Bernhagen	Keefe	Ramstad	Taylor	

Those who voted in the negative were:

Bertram	Humphrey	Menning	Peterson, C.C.	Tennessen
Dahl	Johnson	Merriam	Peterson, R.W.	Vega
Davis	Knoll	Moe, D.M.	Petty	Waldorf
Dicklich	Kroening	Moe, R.D.	Purfeerst	Wegener
Dieterich	Langseth	Nelson	Setzepfandt	
Frederickson	Lantry	Olhoft	Sikorski	
Hanson	Lessard	Pehler	Stern	
Hughes	Luther	Penny	Stokowski	

So the bill failed to pass.

S. F. No. 699: A bill for an act relating to transportation; authorizing the commissioner of transportation to act as agent for political subdivisions for the construction of roads and bridges under certain circumstances; amending Minnesota Statutes 1980, Section 161.36, Subdivision 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 51 and nays 12, as follows:

Those who voted in the affirmative were:

Belanger	Frederickson	Menning	Petty	Stumpf
Benson	Hanson	Merriam	Purfeerst	Taylor
Berg	Hughes	Moe, D.M.	Ramstad	Tennessen
Bertram	Humphrey	Moe, R.D.	Renneke	Vega
Chmielewski	Johnson	Nelson	Schmitz	Waldorf
Dahl	Kroening	Olhoft	Setzepfandt	Wegener
Davis	Langseth	Pehler	Sikorski	Willet
Dicklich	Lantry	Penny	Solon	
Dieterich	Lessard	Peterson, C.C.	Spear	
Engler	Lindgren	Peterson, D.L.	Stern	
Frank	Luther	Peterson, R.W.	Stokowski	

Those who voted in the negative were:

Ashbach	Brataas	Knutson	Pillsbury	Sieloff
Bang	Frederick	Kronebusch	Rued	Ulland
Bernhagen	Keefe			

So the bill passed and its title was agreed to.

S. F. No. 639: A bill for an act relating to metropolitan government; requiring that metropolitan council boundaries be redrawn after each federal census; amending Minnesota Statutes 1980, Section 473.123, Subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Berg	Chmielewski	Dicklich	Frederick
Bang	Bernhagen	Dahl	Dieterich	Frederickson
Belanger	Bertram	Davies	Engler	Hanson
Benson	Brataas	Davis	Frank	Hughes

Humphrey	Lindgren	Penny	Rued	Tennessen
Johnson	Luther	Peterson, C.C.	Schmitz	Ulland
Knoll	Menning	Peterson, D.L.	Setzepfandt	Vega
Knutson	Merriam	Peterson, R.W.	Sieloff	Waldorf
Kroening	Moe, D.M.	Petty	Spear	Wegener
Kronebusch	Moe, R.D.	Pillsbury	Stern	Willet
Langseth	Nelson	Purfeerst	Stokowski	
Lantry	Olhoft	Ramstad	Stumpf	
Lessard	Pehler	Renneke	Taylor	

So the bill passed and its title was agreed to.

S. F. No. 136: A bill for an act relating to elections; changing compensation of certain election judges; amending Minnesota Statutes 1980, Section 204A.23.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Engler	Langseth	Peterson, C.C.	Solon
Belanger	Frank	Lantry	Peterson, D.L.	Spear
Benson	Frederick	Lessard	Peterson, R.W.	Stern
Berg	Frederickson	Lindgren	Petty	Stokowski
Bernhagen	Hanson	Luther	Pillsbury	Stumpf
Bertram	Hughes	Menning	Purfeerst	Taylor
Brataas	Humphrey	Merriam	Ramstad	Tennessen
Chmielewski	Johnson	Moe, D.M.	Renneke	Ulland
Dahl	Keefe	Moe, R.D.	Rued	Vega
Davies	Knoll	Nelson	Schmitz	Waldorf
Davis	Knutson	Olhoft	Setzepfandt	Wegener
Dicklich	Kroening	Pehler	Sieloff	Willet
Dieterich	Kronebusch	Penny	Sikorski	

So the bill passed and its title was agreed to.

S. F. No. 973: A bill for an act relating to local government; permitting the city council to fix the compensation of the park board in statutory cities; amending Minnesota Statutes 1980, Section 412.501.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Kronebusch	Peterson, C.C.	Solon
Bang	Engler	Langseth	Peterson, D.L.	Spear
Belanger	Frank	Lantry	Peterson, R.W.	Stern
Benson	Frederick	Lessard	Petty	Stokowski
Berg	Frederickson	Lindgren	Pillsbury	Stumpf
Bernhagen	Hanson	Luther	Purfeerst	Taylor
Bertram	Hughes	Menning	Ramstad	Tennessen
Brataas	Humphrey	Merriam	Renneke	Ulland
Chmielewski	Johnson	Moe, D.M.	Rued	Vega
Dahl	Keefe	Moe, R.D.	Schmitz	Waldorf
Davies	Knoll	Nelson	Setzepfandt	Wegener
Davis	Knutson	Pehler	Sieloff	Willet
Dicklich	Kroening	Penny	Sikorski	

So the bill passed and its title was agreed to.

S. F. No. 785: A bill for an act relating to taxation; real property; providing open space treatment for archery and firearms ranges; amending Minnesota Statutes 1980, Section 273.112, Subdivision 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 5, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Lantry	Peterson, C.C.	Sikorski
Bang	Frank	Lessard	Peterson, D.L.	Solon
Belanger	Frederick	Lindgren	Peterson, R.W.	Stern
Benson	Frederickson	Luther	Petty	Stokowski
Berg	Hanson	Menning	Pillsbury	Taylor
Bernhagen	Humphrey	Merriam	Purfeerst	Ulland
Bertram	Johnson	Moe, D.M.	Ramstad	Vega
Chmielewski	Keefe	Moe, R.D.	Renneke	Waldorf
Dahl	Knutson	Nelson	Rued	Wegener
Davies	Kroening	Olhoft	Schmitz	Willet
Davis	Kronebusch	Pehler	Setzepfandt	
Dicklich	Langseth	Penny	Sieloff	

Those who voted in the negative were:

Brataas	Dieterich	Spear	Stumpf	Tennessen

So the bill passed and its title was agreed to.

S. F. No. 179: A bill for an act relating to economic development; regulating business loans to Indians; amending Minnesota Statutes 1980, Section 362.40, Subdivisions 2, 8, 9, 11, 12, 14, and by adding a subdivision; repealing Minnesota Statutes 1980, Section 362.40, Subdivisions 4, 5, and 10.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Kronebusch	Penny	Solon
Bang	Engler	Langseth	Peterson, C.C.	Spear
Belanger	Frank	Lantry	Peterson, D.L.	Stern
Benson	Frederick	Lessard	Peterson, R.W.	Stokowski
Berg	Frederickson	Lindgren	Petty	Stumpf
Bernhagen	Hanson	Luther	Pillsbury	Taylor
Bertram	Hughes	Menning	Purfeerst	Tennessen
Brataas	Humphrey	Merriam	Ramstad	Ulland
Chmielewski	Johnson	Moe, D.M.	Renneke	Vega
Dahl	Keefe	Moe, R.D.	Rued	Wegener
Davies	Knoll	Nelson	Schmitz	Willet
Davis	Knutson	Olhoft	Sieloff	
Dicklich	Kroening	Pehler	Sikorski	

So the bill passed and its title was agreed to.

S. F. No. 358: A bill for an act relating to intoxicating liquor; requiring proof of financial responsibility; amending Minnesota Statutes 1980, Sections 340.11, by adding a subdivision; 340.12; and 340.353, by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 2, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Lantry	Peterson, R.W.	Stern
Bang	Frank	Lessard	Petty	Stokowski
Belanger	Frederick	Lindgren	Pillsbury	Stumpf
Benson	Frederickson	Luther	Purfeerst	Taylor
Berg	Hanson	Menning	Ramstad	Tennessen
Bernhagen	Hughes	Merriam	Renneke	Ulland
Brataas	Johnson	Moe, R.D.	Rued	Vega
Chmielewski	Keefe	Nelson	Schmitz	Waldorf
Dahl	Knoll	Olhoft	Setzepfandt	Willet
Davies	Knutson	Pehler	Sieloff	
Davis	Kroening	Penny	Sikorski	
Dicklich	Kronebusch	Peterson, C.C.	Solon	
Dieterich	Langseth	Peterson, D.L.	Spear	

Messrs. Bertram and Wegener voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 353: A bill for an act relating to local government; setting conditions for group insurance contract bids; amending Minnesota Statutes 1980, Section 471.616, Subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Kronebusch	Penny	Sikorski
Bang	Engler	Langseth	Peterson, C.C.	Solon
Belanger	Frank	Lantry	Peterson, D.L.	Spear
Benson	Frederick	Lessard	Peterson, R.W.	Stern
Berg	Frederickson	Lindgren	Petty	Stokowski
Bernhagen	Hanson	Luther	Pillsbury	Stumpf
Bertram	Hughes	Menning	Purfeerst	Taylor
Brataas	Humphrey	Merriam	Ramstad	Tennessen
Chmielewski	Johnson	Moe, D.M.	Renneke	Ulland
Dahl	Keefe	Moe, R.D.	Rued	Vega
Davies	Knoll	Nelson	Schmitz	Waldorf
Davis	Knutson	Olhoft	Setzepfandt	Wegener
Dicklich	Kroening	Pehler	Sieloff	Willet

So the bill passed and its title was agreed to.

S. F. No. 168: A bill for an act relating to intoxicating liquor; providing for a liquor license fee to be set by a town board in certain cases; requiring town board approval of certain county liquor licenses; amending Minnesota Statutes 1980, Section 340.11, Subdivision 10.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 2, as follows:

Those who voted in the affirmative were:

Ashbach	Berg	Chmielewski	Dieterich	Frederickson
Bang	Bernhagen	Davies	Engler	Hanson
Belanger	Bertram	Davis	Frank	Hughes
Benson	Brataas	Dicklich	Frederick	Humphrey

Johnson	Lindgren	Peterson, C.C.	Schmitz	Taylor
Keefe	Luther	Peterson, D.L.	Setzepfandt	Tennessen
Knoll	Menning	Peterson, R.W.	Sieloff	Ulland
Knutson	Moe, D.M.	Petty	Sikorski	Vega
Kroening	Moe, R.D.	Pillsbury	Solon	Waldorf
Kronebusch	Nelson	Purfeerst	Spear	Wegener
Langseth	Olhoft	Ramstad	Stern	Willet
Lantry	Pehler	Renneke	Stokowski	
Lessard	Penny	Rued	Stumpf	

Messrs. Dahl and Merriam voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 849: A bill for an act relating to education; adding a representative from the Minnesota association of private post-secondary schools to the higher education advisory council; amending Minnesota Statutes 1980, Section 136A.02, Subdivision 6.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Kronebusch	Penny	Sikorski
Bang	Engler	Langseth	Peterson, C.C.	Solon
Belanger	Frank	Lantry	Peterson, D.L.	Spear
Benson	Frederick	Lessard	Peterson, R.W.	Stern
Berg	Frederickson	Lindgren	Petty	Stokowski
Bernhagen	Hanson	Luther	Pillsbury	Stumpf
Bertram	Hughes	Menning	Purfeerst	Taylor
Brataas	Humphrey	Merriam	Ramstad	Tennessen
Chmielewski	Johnson	Moe, D.M.	Renneke	Ulland
Dahl	Keefe	Moe, R.D.	Rued	Vega
Davies	Knoll	Nelson	Schmitz	Waldorf
Davis	Knutson	Olhoft	Setzepfandt	Wegener
Dicklich	Kroening	Pehler	Sieloff	Willet

So the bill passed and its title was agreed to.

S. F. No. 333: A bill for an act relating to public employees; regulating bargaining between instructional unit employees and the University of Minnesota; amending Minnesota Statutes 1980, Section 179.741, Subdivision 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Engler	Lantry	Peterson, R.W.	Stern
Belanger	Frank	Lessard	Petty	Stokowski
Benson	Frederick	Lindgren	Pillsbury	Stumpf
Berg	Frederickson	Luther	Purfeerst	Taylor
Bernhagen	Hanson	Menning	Ramstad	Tennessen
Bertram	Hughes	Merriam	Renneke	Ulland
Brataas	Humphrey	Moe, R.D.	Rued	Vega
Chmielewski	Johnson	Nelson	Schmitz	Waldorf
Dahl	Knoll	Olhoft	Setzepfandt	Wegener
Davies	Knutson	Pehler	Sieloff	Willet
Davis	Kroening	Penny	Sikorski	
Dicklich	Kronebusch	Peterson, C.C.	Solon	
Dieterich	Langseth	Peterson, D.L.	Spear	

So the bill passed and its title was agreed to.

S. F. No. 436: A bill for an act relating to children; providing for review of foster care status of certain children; amending Minnesota Statutes 1980, Sections 257.071, Subdivisions 2, 3 and 4; 260.015, Subdivision 7; 260.111, Subdivision 2; and 260.131, by adding a subdivision; proposing new law to be coded in Minnesota Statutes, Chapter 260.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 2, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Langseth	Peterson, R.W.	Stokowski
Bang	Frank	Lantry	Petty	Stumpf
Belanger	Frederick	Lessard	Pillsbury	Taylor
Benson	Frederickson	Lindgren	Purfeerst	Tennessen
Berg	Hanson	Luther	Ramstad	Ulland
Bernhagen	Hughes	Menning	Renneke	Vega
Bertram	Humphrey	Moe, R.D.	Rued	Waldorf
Chmielewski	Johnson	Nelson	Schmitz	Wegener
Dahl	Keefe	Olhoft	Sieloff	Willet
Davies	Knoll	Pehler	Sikorski	
Davis	Knutson	Penny	Solon	
Dicklich	Kroening	Peterson, C.C.	Spear	
Dieterich	Kronebusch	Peterson, D.L.	Stern	

Mrs. Brataas and Mr. Merriam voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 759: A bill for an act relating to transportation; establishing a rail bank account; providing for the deposit of money in the rail bank account and specifying the purposes for which it may be expended; limiting the means by which the commissioner may acquire certain abandoned railroad right-of-way; appropriating money; amending Minnesota Statutes 1980, Sections 222.49; 222.50, Subdivision 7; 222.63, Subdivision 2, and by adding a subdivision; and Laws 1980, Chapter 610, Section 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Kronebusch	Peterson, C.C.	Solon
Bang	Engler	Langseth	Peterson, D.L.	Spear
Belanger	Frank	Lantry	Peterson, R.W.	Stern
Benson	Frederick	Lessard	Petty	Stokowski
Berg	Frederickson	Lindgren	Pillsbury	Stumpf
Bernhagen	Hanson	Luther	Purfeerst	Taylor
Bertram	Hughes	Menning	Ramstad	Tennessen
Brataas	Humphrey	Merriam	Renneke	Ulland
Chmielewski	Johnson	Moe, R.D.	Rued	Vega
Dahl	Keefe	Nelson	Schmitz	Waldorf
Davies	Knoll	Olhoft	Setzepfandt	Wegener
Davis	Knutson	Pehler	Sieloff	Willet
Dicklich	Kroening	Penny	Sikorski	

So the bill passed and its title was agreed to.

S. F. No. 713: A bill for an act relating to drivers licenses; increasing fees for motorized bicycle operator permits and for driver licenses; establishing a fee for the Minnesota identification card; providing for uniform application fees; providing for the reallocation of certain revenues; requiring reexamination before issuance of a new drivers license after revocation; authorizing married applicants to use their maiden name as their middle name; amending Minnesota Statutes 1980, Sections 171.02, Subdivision 3; 171.06, Subdivisions 1, 2, 4, and by adding a subdivision; 171.07, Subdivision 3; 171.26; and 171.29.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 37 and nays 28, as follows:

Those who voted in the affirmative were:

Bertram	Hanson	Moe, D.M.	Peterson, R.W.	Solon
Chmielewski	Humphrey	Moe, R.D.	Petty	Stern
Davies	Knoll	Nelson	Pillsbury	Stokowski
Davis	Kronebusch	Olhoft	Purfeerst	Vega
Dicklich	Langseth	Pehler	Renneke	Wegener
Engler	Lantry	Penny	Schmitz	
Frank	Luther	Peterson, C.C.	Setzepfandt	
Frederickson	Menning	Peterson, D.L.	Sikorski	

Those who voted in the negative were:

Ashbach	Brataas	Keefe	Ramstad	Tennessen
Bang	Dahl	Knutson	Rued	Ulland
Belanger	Dieterich	Kroening	Sieloff	Waldorf
Benson	Frederick	Lessard	Spear	Willet
Berg	Hughes	Lindgren	Stumpf	
Bernhagen	Johnson	Merriam	Taylor	

So the bill passed and its title was agreed to.

S. F. No. 372: A bill for an act relating to agriculture; removing certain buyers and sellers of hay and straw from commission merchant licensing requirements; amending Minnesota Statutes 1980, Sections 223.01; 223.02; 223.03; and 223.05; repealing Minnesota Statutes 1980, Sections 223.06 and 223.12.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Langseth	Peterson, C.C.	Solon
Bang	Engler	Lantry	Peterson, D.L.	Spear
Belanger	Frank	Lessard	Peterson, R.W.	Stern
Benson	Frederick	Lindgren	Petty	Stokowski
Berg	Frederickson	Luther	Pillsbury	Stumpf
Bernhagen	Hanson	Menning	Purfeerst	Taylor
Bertram	Hughes	Merriam	Ramstad	Tennessen
Brataas	Humphrey	Moe, D.M.	Renneke	Ulland
Chmielewski	Johnson	Moe, R.D.	Rued	Vega
Dahl	Keefe	Nelson	Schmitz	Waldorf
Davies	Knutson	Olhoft	Setzepfandt	Wegener
Davis	Kroening	Pehler	Sieloff	Willet
Dicklich	Kronebusch	Penny	Sikorski	

So the bill passed and its title was agreed to.

S. F. No. 535: A bill for an act relating to corporations; providing for the issuance of stock in a professional corporation to a partnership or a professional corporation performing the same kind of service; providing for the transfer of stock to a partnership or a professional corporation; amending Minnesota Statutes 1980, Section 319A.11.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Engler	Langseth	Peterson, C.C.	Solon
Belanger	Frank	Lantry	Peterson, D.L.	Spear
Benson	Frederick	Lessard	Peterson, R.W.	Stern
Berg	Frederickson	Lindgren	Petty	Stokowski
Bernhagen	Hanson	Luther	Pillsbury	Stumpf
Bertram	Hughes	Menning	Purfeerst	Taylor
Brataas	Humphrey	Merriam	Ramstad	Tennessen
Chmielewski	Johnson	Moe, D.M.	Renneke	Ulland
Dahl	Keefe	Moe, R.D.	Rued	Vega
Davies	Knoll	Nelson	Schmitz	Waldorf
Davis	Knutson	Olhoft	Setzepfandt	Wegener
Dicklich	Kroening	Pehler	Sieloff	Willet
Dieterich	Kronebusch	Penny	Sikorski	

So the bill passed and its title was agreed to.

S. F. No. 476: A bill for an act relating to crimes; providing the court with discretion to require a presentence investigation in the case of felony convictions; requiring a presentence sentencing worksheet for a defendant convicted of a felony; amending Minnesota Statutes 1980, Section 609.115, Subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Kronebusch	Penny	Sikorski
Bang	Engler	Langseth	Peterson, C.C.	Solon
Belanger	Frank	Lantry	Peterson, D.L.	Spear
Benson	Frederick	Lessard	Peterson, R.W.	Stern
Berg	Frederickson	Lindgren	Petty	Stokowski
Bernhagen	Hanson	Luther	Pillsbury	Stumpf
Bertram	Hughes	Menning	Purfeerst	Taylor
Brataas	Humphrey	Merriam	Ramstad	Tennessen
Chmielewski	Johnson	Moe, D.M.	Renneke	Ulland
Dahl	Keefe	Moe, R.D.	Rued	Vega
Davies	Knoll	Nelson	Schmitz	Waldorf
Davis	Knutson	Olhoft	Setzepfandt	Wegener
Dicklich	Kroening	Pehler	Sieloff	Willet

So the bill passed and its title was agreed to.

S. F. No. 574: A bill for an act relating to judicial procedures; changing certain provisions relating to guardianship and conservatorship; amending Minnesota Statutes 1980, Sections 525.539, Subdivision 3, and by adding a

subdivision; 525.54; 525.541; 525.542; 525.543; 525.55; 525.551; 525.5515; 525.56, Subdivisions 3 and 4; 525.58; 525.591, Subdivisions 2 and 3; 525.618, Subdivision 1; 525.6185; 525.619; 525.6192; 525.6196; 525.6198; 525.62; 525.67; 525.69; and 525.703; proposing new law coded in Minnesota Statutes, Chapter 525; repealing Minnesota Statutes 1980, Section 525.504.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Kronebusch	Penny	Sikorski
Bang	Engler	Langseth	Peterson, C.C.	Solon
Belanger	Frank	Lantry	Peterson, D.L.	Spear
Benson	Frederick	Lessard	Peterson, R.W.	Stern
Berg	Frederickson	Lindgren	Petty	Stokowski
Bernhagen	Hanson	Luther	Pillsbury	Stumpf
Bertram	Hughes	Menning	Purfeerst	Taylor
Brataas	Humphrey	Merriam	Ramstad	Tennessen
Chmielewski	Johnson	Moe, D.M.	Renneke	Ulland
Dahl	Keefe	Moe, R.D.	Rued	Vega
Davies	Knoll	Nelson	Schmitz	Waldorf
Davis	Knutson	Olhoft	Setzepfandt	Wegener
Dicklich	Kroening	Pehler	Sieloff	Willet

So the bill passed and its title was agreed to.

S. F. No. 822: A bill for an act relating to occupations and professions; providing for oral examinations of electricians by the board of electricity; amending Minnesota Statutes 1980, Section 326.242, Subdivision 7.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Kronebusch	Penny	Sikorski
Bang	Engler	Langseth	Peterson, C.C.	Solon
Belanger	Frank	Lantry	Peterson, D.L.	Spear
Benson	Frederick	Lessard	Peterson, R.W.	Stern
Berg	Frederickson	Lindgren	Petty	Stokowski
Bernhagen	Hanson	Luther	Pillsbury	Stumpf
Bertram	Hughes	Menning	Purfeerst	Taylor
Brataas	Humphrey	Merriam	Ramstad	Tennessen
Chmielewski	Johnson	Moe, D.M.	Renneke	Ulland
Dahl	Keefe	Moe, R.D.	Rued	Vega
Davies	Knoll	Nelson	Schmitz	Waldorf
Davis	Knutson	Olhoft	Setzepfandt	Willet
Dicklich	Kroening	Pehler	Sieloff	

So the bill passed and its title was agreed to.

S. F. No. 982: A bill for an act relating to the city of St. Cloud; authorizing the improvement and operation of the city-owned Mississippi River dam to provide for generation of hydroelectric power, and the issuance of revenue bonds to finance the project.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 1, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Langseth	Peterson, C.C.	Solon
Bang	Frank	Lantry	Peterson, D.L.	Spear
Belanger	Frederick	Lessard	Peterson, R.W.	Stern
Benson	Frederickson	Lindgren	Petty	Stokowski
Berg	Hanson	Luther	Pillsbury	Stumpf
Bernhagen	Hughes	Menning	Purfeerst	Taylor
Bertram	Humphrey	Merriam	Ramstad	Tennessen
Brataas	Johnson	Moe, D.M.	Renneke	Ulland
Chmielewski	Keefe	Moe, R.D.	Rued	Vega
Dahl	Knoll	Nelson	Schmitz	Waldorf
Davies	Knutson	Olhoft	Setzepfandt	Willet
Davis	Kroening	Pehler	Sieloff	
Dicklich	Kronebusch	Penny	Sikorski	

Mr. Dieterich voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 1044: A bill for an act relating to the city of Echo; authorizing the issuance of bonds for the acquisition and betterment of a community center.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 2, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Langseth	Peterson, D.L.	Spear
Bang	Frank	Lantry	Peterson, R.W.	Stern
Belanger	Frederick	Lessard	Petty	Stokowski
Benson	Frederickson	Lindgren	Pillsbury	Stumpf
Berg	Hanson	Luther	Purfeerst	Taylor
Bernhagen	Hughes	Menning	Ramstad	Tennessen
Bertram	Humphrey	Moe, D.M.	Renneke	Ulland
Brataas	Johnson	Moe, R.D.	Rued	Vega
Chmielewski	Keefe	Nelson	Schmitz	Waldorf
Davies	Knoll	Olhoft	Setzepfandt	Willet
Davis	Knutson	Pehler	Sieloff	
Dicklich	Kroening	Penny	Sikorski	
Dieterich	Kronebusch	Peterson, C.C.	Solon	

Messrs. Dahl and Merriam voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 874: A bill for an act relating to energy; requiring the provision of energy audits for certain rental housing; expanding certain utility investment programs; amending Minnesota Statutes 1980, Sections 116H.17, by adding a subdivision; 216B.165, Subdivisions 1 and 2; and 216B.241, by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 37 and nays 27, as follows:

Those who voted in the affirmative were:

Chmielewski	Hughes	Merriam	Schmitz	Tennessen
Dahl	Humphrey	Moe, D.M.	Setzepfandt	Ulland
Davies	Johnson	Moe, R.D.	Sikorski	Vega
Davis	Knoll	Nelson	Solon	Waldorf
Dicklich	Kroening	Olhoft	Spear	Willet
Dieterich	Langseth	Pehler	Stern	
Frank	Lantry	Peterson, R.W.	Stokowski	
Hanson	Luther	Petty	Stumpf	

Those who voted in the negative were:

Ashbach	Bertram	Knutson	Peterson, C.C.	Rued
Bang	Brataas	Kronebusch	Peterson, D.L.	Sieloff
Belanger	Engler	Lessard	Pillsbury	Taylor
Benson	Frederick	Lindgren	Purfeerst	
Berg	Frederickson	Menning	Ramstad	
Bernhagen	Keefe	Penny	Renneke	

So the bill passed and its title was agreed to.

S. F. No. 903: A bill for an act relating to the city of Minneapolis; providing for amendment of certain special revenue obligations; amending Laws 1975, Chapter 188, Section 3, by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 35 and nays 28, as follows:

Those who voted in the affirmative were:

Belanger	Hanson	Lantry	Olhoft	Solon
Chmielewski	Hughes	Lessard	Penny	Stern
Dahl	Humphrey	Luther	Petty	Stokowski
Davis	Johnson	Menning	Purfeerst	Stumpf
Dicklich	Knoll	Moe, D.M.	Schmitz	Ulland
Dieterich	Kroening	Moe, R.D.	Setzepfandt	Vega
Frank	Langseth	Nelson	Sikorski	Waldorf

Those who voted in the negative were:

Bang	Davies	Kronebusch	Peterson, R.W.	Spear
Benson	Engler	Lindgren	Pillsbury	Taylor
Berg	Frederick	Merriam	Ramstad	Tennessen
Bernhagen	Frederickson	Pehler	Renneke	Willet
Bertram	Keefe	Peterson, C.C.	Rued	
Brataas	Knutson	Peterson, D.L.	Sieloff	

So the bill passed and its title was agreed to.

S. F. No. 272: A bill for an act relating to children; prohibiting neglect and abuse of children; amending Minnesota Statutes 1980, Sections 626.556, Subdivision 2, and by adding a subdivision; and 626.557, Subdivision 19.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Berg	Chmielewski	Dicklich	Frederick
Bang	Bernhagen	Dahl	Dieterich	Frederickson
Belanger	Bertram	Davies	Engler	Hanson
Benson	Brataas	Davis	Frank	Hughes

Humphrey	Lessard	Pehler	Renneke	Stokowski
Johnson	Lindgren	Penny	Rued	Stumpf
Keefe	Luther	Peterson,C.C.	Schmitz	Taylor
Knoll	Menning	Peterson,D.L.	Setzepfandt	Tennessen
Knutson	Merriam	Peterson,R.W.	Sieloff	Ulland
Kroening	Moe, D. M.	Petty	Sikorski	Vega
Kronebusch	Moe, R. D.	Pillsbury	Solon	Waldorf
Langseth	Nelson	Purfeerst	Spear	Willet
Lantry	Olhoft	Ramstad	Stern	

So the bill passed and its title was agreed to.

S. F. No. 533: A bill for an act relating to crimes; authorizing law enforcement agencies in municipalities with more than 2,500 inhabitants to seize property unlawfully used in connection with controlled substance violations; amending Minnesota Statutes 1980, Section 152.01, Subdivision 17.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 1, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Langseth	Peterson,C.C.	Solon
Bang	Frank	Lantry	Peterson,D.L.	Spear
Belanger	Frederick	Lessard	Peterson,R.W.	Stern
Benson	Frederickson	Lindgren	Petty	Stokowski
Berg	Hanson	Luther	Pillsbury	Stumpf
Bernhagen	Hughes	Menning	Purfeerst	Taylor
Bertram	Humphrey	Merriam	Ramstad	Tennessen
Brataas	Johnson	Moe, D. M.	Renneke	Ulland
Chmielewski	Keefe	Moe, R. D.	Rued	Vega
Dahl	Knoll	Nelson	Schmitz	Waldorf
Davies	Knutson	Olhoft	Setzepfandt	Willet
Davis	Kroening	Pehler	Sieloff	
Dicklich	Kronebusch	Penny	Sikorski	

Mr. Dieterich voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 771: A bill for an act relating to Otter Tail county and the town of Oak Port in Clay county; authorizing the Otter Tail county board to grant certain powers for a district created under Minnesota Statutes, Chapter 116A; authorizing the town of Oak Port to exercise certain powers.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Langseth	Peterson, C.C.	Solon
Bang	Engler	Lantry	Peterson, D.L.	Spear
Belanger	Frank	Lessard	Peterson, R.W.	Stern
Benson	Frederick	Lindgren	Petty	Stokowski
Berg	Frederickson	Luther	Pillsbury	Stumpf
Bernhagen	Hanson	Menning	Purfeerst	Taylor
Bertram	Hughes	Merriam	Ramstad	Tennessen
Brataas	Humphrey	Moe, D.M.	Renneke	Ulland
Chmielewski	Johnson	Moe, R.D.	Rued	Vega
Dahl	Keefe	Nelson	Schmitz	Waldorf
Davies	Knutson	Olhoft	Setzepfandt	Willet
Davis	Kroening	Pehler	Sieloff	
Dicklich	Kronebusch	Penny	Sikorski	

So the bill passed and its title was agreed to.

S. F. No. 513: A bill for an act relating to interest; clarifying the usury exemption on certain loans; increasing rates of interest on loans for business and agricultural transactions and loans made by agricultural credit corporations; removing certain deficiencies and ambiguities; amending Minnesota Statutes 1980, Sections 334.01, Subdivision 2; 334.011, Subdivision 1; and 334.061.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 54 and nays 9, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Lantry	Peterson, C.C.	Sieloff
Bang	Frank	Lessard	Peterson, D.L.	Sikorski
Belanger	Frederick	Lindgren	Peterson, R.W.	Solon
Benson	Frederickson	Luther	Petty	Stern
Berg	Hanson	Menning	Pillsbury	Stokowski
Bernhagen	Humphrey	Merriam	Purfeerst	Taylor
Bertram	Keefe	Moe, D.M.	Ramstad	Tennessen
Brataas	Knoll	Moe, R.D.	Renneke	Ulland
Dahl	Knutson	Olhoft	Rued	Vega
Davies	Kronebusch	Pehler	Schmitz	Waldorf
Davis	Langseth	Penny	Setzepfandt	

Those who voted in the negative were:

Chmielewski	Dieterich	Johnson	Spear	Willet
Dicklich	Hughes	Kroening	Stumpf	

So the bill passed and its title was agreed to.

S. F. No. 268: A bill for an act relating to insurance; regulating suicide provisions in life insurance contracts; proposing new law coded in Minnesota Statutes, Chapter 61A.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Kronebusch	Penny	Sikorski
Bang	Engler	Langseth	Peterson,C.C.	Solon
Belanger	Frank	Lantry	Peterson,D.L.	Spear
Benson	Frederick	Lessard	Peterson,R.W.	Stern
Berg	Frederickson	Lindgren	Petty	Stokowski
Bernhagen	Hanson	Luther	Pillsbury	Stumpf
Bertram	Hughes	Menning	Purfeerst	Taylor
Brataas	Humphrey	Merriam	Ramstad	Tennessen
Chmielewski	Johnson	Moe, D. M.	Renneke	Ulland
Dahl	Keefe	Moe, R. D.	Rued	Vega
Davies	Knoll	Nelson	Schmitz	Waldorf
Davis	Knutson	Olhoft	Setzepfandt	Willet
Dicklich	Kroening	Pehler	Sieloff	

So the bill passed and its title was agreed to.

S. F. No. 732: A bill for an act relating to insurance; revising the statutory provisions relating to surplus lines insurance; clarifying its operation and coverage; providing penalties; proposing new law coded in Minnesota Statutes, Chapter 60A; repealing Minnesota Statutes 1980, Section 60A.20.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 4, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Kroening	Pehler	Sieloff
Bang	Engler	Kronebusch	Peterson,C.C.	Sikorski
Belanger	Frank	Langseth	Peterson,D.L.	Solon
Benson	Frederick	Lantry	Peterson,R.W.	Spear
Berg	Frederickson	Lessard	Petty	Stern
Bernhagen	Hanson	Lindgren	Pillsbury	Stokowski
Brataas	Hughes	Luther	Purfeerst	Taylor
Chmielewski	Humphrey	Menning	Ramstad	Tennessen
Dahl	Johnson	Moe, D. M.	Renneke	Ulland
Davies	Keefe	Moe, R. D.	Rued	Vega
Davis	Knoll	Nelson	Schmitz	Waldorf
Dicklich	Knutson	Olhoft	Setzepfandt	Willet

Messrs. Bertram, Merriam, Penny and Stumpf voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 1043: A bill for an act relating to administrative procedures; providing for changes in the recompilation, publication, and drafting of administrative rules; modifying the powers of the revisor of statutes with respect to compiling, publishing, and drafting of administrative rules; clarifying which rules are to be published; fixing a common nomenclature for certain steps in the administrative process; extending statutory standard definitions of terms and principles of construction to administrative rules; providing for the effect of transferring responsibilities between agencies; extending the jurisdiction of the LCRAR; clarifying when a rule suspended by the LCRAR becomes effective; modifying certain provisions of the administrative procedure act; removing certain obsolete terms and clarifying certain language; amending Minnesota Statutes 1980, Sections 3.965, Subdivision 2; 15.0411, Subdivisions 2 and 3; 15.0412, Subdivisions 1, 1a, 2a, 4, 4c, 4d, 4e, 4f, 4g, 4h, 5, 7, 8, 9 and 10; 15.0413; 15.0415; 16.86, Subdivision 2; 62E.10, Subdivision 8; 121.931, Subdivision 8; 121.932, Subdivision 3; 169.128; 182.655, Subdivision 1; 238.09, Subdivision 9; 271.06, Subdivision 7; 299A.03, Subdivision 6; 299F.19, Subdivision 6; 360.015, Subdivisions 4, 5 and 16; 645.071, Subdivision 1; 645.08; 645.11; 645.12, Subdivision 1; 645.13; 645.14; 645.15; 645.18; 645.19; 645.20; 645.21; 645.23; 645.24; 645.26, Subdivisions 1 and 2; 645.31, Subdivision 1; 645.34; 645.35; 645.36; 645.37; 645.39; 645.40; 645.41; 645.44, Subdivision 1; 645.45; 645.451, Subdivision 1; 645.46; 645.48; 648.31, Subdivision 6; 648.50, Subdivisions 1, 2, 3, 4 and 6, and by adding subdivisions; proposing new law coded in Minnesota Statutes, Chapters 15 and 645; repealing Minnesota Statutes 1980, Sections 15.015 to 15.04; 174.06, Subdivision 6; and 245.04 to 245.07.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Kronebusch	Penny	Solon
Bang	Engler	Langseth	Peterson,C.C.	Spear
Belanger	Frank	Lantry	Peterson,D.L.	Stern
Benson	Frederick	Lessard	Peterson,R.W.	Stokowski
Berg	Frederickson	Lindgren	Petty	Stumpf
Bernhagen	Hanson	Luther	Pillsbury	Taylor
Bertram	Hughes	Menning	Purfeerst	Tennessen
Brataas	Humphrey	Merriam	Ramstad	Ulland
Chmielewski	Johnson	Moe, D. M.	Renneke	Vega
Dahl	Keefe	Moe, R. D.	Rued	Waldorf
Davies	Knoll	Nelson	Setzepfandt	Willet
Davis	Knutson	Olhoft	Sieloff	
Dicklich	Kroening	Pehler	Sikorski	

So the bill passed and its title was agreed to.

S. F. No. 188: A bill for an act relating to crimes; regulating the possession, use, sale, and furnishing of tear gas and tear gas compounds; providing penalties; proposing new law coded in Minnesota Statutes, Chapter 624; repealing Minnesota Statutes 1980, Section 624.73.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 2, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Langseth	Peterson, C.C.	Stern
Bang	Frank	Lantry	Peterson, D.L.	Stokowski
Belanger	Frederick	Lessard	Peterson, R.W.	Stumpf
Benson	Frederickson	Lindgren	Petty	Taylor
Berg	Hanson	Luther	Pillsbury	Tennessen
Bernhagen	Hughes	Menning	Ramstad	Ulland
Bertram	Humphrey	Merriam	Renneke	Vega
Brataas	Johnson	Moe, D.M.	Rued	Waldorf
Chmielewski	Keefe	Moe, R.D.	Setzepfandt	Willet
Dahl	Knoll	Nelson	Sieloff	
Davis	Knutson	Olhoft	Sikorski	
Dicklich	Kroening	Pehler	Solon	
Dieterich	Kronebusch	Penny	Spear	

Messrs. Davies and Purfeerst voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 539: A bill for an act relating to family law; allowing joint custody of minor children; providing for acknowledgments of paternity; changing provisions related to venue; providing expedited hearings; changing determination of maintenance and support orders; changing the division of marital property; providing for enforcement of maintenance and support orders; changing requirements for evidence, orders, and decrees; adopting the revised uniform reciprocal enforcement of support act; amending Minnesota Statutes 1980, Sections 257.34, Subdivision 1; 518.003, by adding a subdivision; 518.09; 518.131, Subdivisions 3 and 4, and by adding subdivisions; 518.145; 518.17;

518.54, Subdivision 5; 518.551; 518.58; and 518.64, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 518C; repealing Minnesota Statutes 1980, Sections 518.41; 518.42; 518.43; 518.44; 518.45; 518.46; 518.47; 518.48; 518.49; 518.491; 518.50; 518.51; 518.52; and 518.53.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 2, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Langseth	Penny	Sikorski
Bang	Engler	Lantry	Peterson, C.C.	Solon
Belanger	Frank	Lessard	Peterson, D.L.	Spear
Benson	Frederick	Lindgren	Peterson, R.W.	Stern
Berg	Frederickson	Luther	Petty	Stokowski
Bernhagen	Hanson	Menning	Pillsbury	Stumpf
Bertram	Hughes	Merriam	Purfeerst	Taylor
Brataas	Johnson	Moe, D.M.	Ramstad	Tennessen
Chmielewski	Knoll	Moe, R.D.	Renneke	Ulland
Dahl	Knutson	Nelson	Rued	Vega
Davis	Kroening	Olhoft	Setzepfandt	Waldorf
Dicklich	Kronebusch	Pehler	Sieloff	Willet

Messrs. Davies and Keefe voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 305: A bill for an act relating to retirement; various retirement funds; crediting service for vesting and benefit accrual purposes in the Minnesota demonstration job-sharing program; removing certain transitional provisions governing the fire state aid program; providing police state aid for municipalities which employ police officers with less than a full year of service; allowing disability benefit recipients to elect actuarially equivalent joint and survivor optional annuities; providing retirement coverage in the public employees retirement association for employees of the Range Association of Municipalities and Schools, the soil and water conservation districts and the Suburban Public Health Nursing Service, Incorporated; increasing the minimum salary requirement for inclusion in membership in the public employees retirement association; requiring various public pension plans to provide information on annuity forms to retiring members and notification to spouse of annuity form elected; authorizing certain former members of the Minneapolis municipal employees retirement fund to repay refund amounts under certain conditions; authorizing benefit increases for the Chisholm police relief association, the Chisholm firefighters relief association, the Eveleth police and firefighters retirement trust fund, the Thief River Falls police retirement trust fund, and the Buhl police relief association; specifying the investment authority of the St. Paul police relief association and the St. Paul firefighters relief association; amending Minnesota Statutes 1980, Sections 43.60, Subdivision 3; 69.011, Subdivisions 1 and 2; 69.021, Subdivisions 1, 2, 6 and 7; 69.031, Subdivision 5; 352.113, Subdivisions 3 and 12; 352.95, Subdivision 5 and by adding a subdivision; 352B.10; 352B.105; 353.01, Subdivisions 2a, 2b and 6; 353.33, Subdivision 11 and by adding a subdivision; 353.656, Subdivision 6 and by adding a subdivision; 354.48, Subdivision 10 and by adding a subdivision; 354A.36, Subdivision 10 and by adding a subdivision; Laws 1945, Chapter 74, Sections 2, as amended, 3 and 4, as amended; 1955, Chapters 151,

Section 7, as amended; and 375, Section 12, as amended; 1961, Chapter 631, Section 1, as amended; 1974, Chapter 435, Section 3.03; 1977, Chapter 61, Section 6; and 1978, Chapter 689, Section 5; proposing new law coded in Minnesota Statutes, Chapters 43; 353; 356; and 422A; repealing Minnesota Statutes 1980, Section 353.022.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Kronebusch	Penny	Spear
Bang	Engler	Langseth	Peterson, C.C.	Stern
Belanger	Frank	Lantry	Peterson, D.L.	Stokowski
Benson	Frederick	Lessard	Peterson, R.W.	Stumpf
Berg	Frederickson	Lindgren	Petty	Taylor
Bernhagen	Hanson	Luther	Pillsbury	Tennessen
Bertram	Hughes	Menning	Purfeerst	Ulland
Brataas	Humphrey	Merriam	Ramstad	Vega
Chmielewski	Johnson	Moe, D.M.	Renneke	Waldorf
Dahl	Keefe	Moe, R.D.	Rued	Willet
Davies	Knoll	Nelson	Setzepfandt	
Davis	Knutson	Olhoft	Sieloff	
Dicklich	Kroening	Pehler	Sikorski	

So the bill passed and its title was agreed to.

CONSENT CALENDAR

H. F. No. 483: A bill for an act relating to Ramsey county; providing for the administration of the soldiers' rest; amending Laws 1974, Chapter 435, Section 1.0212.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Langseth	Peterson,C.C.	Stern
Bang	Engler	Lantry	Peterson,D.L.	Stokowski
Belanger	Frank	Lessard	Peterson,R.W.	Stumpf
Benson	Frederick	Lindgren	Petty	Taylor
Berg	Frederickson	Luther	Pillsbury	Tennessen
Bernhagen	Hanson	Menning	Purfeerst	Ulland
Bertram	Hughes	Merriam	Ramstad	Vega
Brataas	Humphrey	Moe, D. M.	Renneke	Waldorf
Chmielewski	Johnson	Moe, R. D.	Rued	Willet
Dahl	Keefe	Nelson	Setzepfandt	
Davies	Knoll	Olhoft	Sieloff	
Davis	Knutson	Pehler	Sikorski	
Dicklich	Kronebusch	Penny	Spear	

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr.

Peterson, R. W. in the chair.

After some time spent therein, the committee arose, and Mr. Peterson, R. W. reported that the committee had considered the following:

S. F. Nos. 674, 411, 95, 568, 835, 650, 664 and 818, which the committee recommends to pass.

S. F. No. 254, which the committee recommends to pass with the following amendments offered by Messrs. Peterson, C. C.; Lessard and Merriam:

Mr. Peterson, C.C. moved to amend S.F. No. 254 as follows:

Page 5, after line 28, insert:

"Sec. 3. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

The motion prevailed. So the amendment was adopted.

Mr. Peterson, C. C. then moved to amend S. F. No. 254 as follows:

Page 1, line 21, after "*class*" insert "*3 or*"

Page 1, line 22, delete "*subdivision 6,*"

Page 2, line 6, after "*class*" insert "*3 or*"

Page 2, line 7, after "*class*" insert "*3 or*"

The motion prevailed. So the amendment was adopted.

Mr. Lessard moved to amend S. F. No. 254 as follows:

Page 2, after line 10, insert:

"*The accidental taking of an endangered plant, where the existence of the plant is not known at the time of the taking, shall not be a violation of subdivision 1.*"

Page 4, after line 32, insert:

"*The commissioner shall give any approval under this subdivision for forest management, including as part of a permit, sale, or lease of land for timber harvesting.*"

The motion prevailed. So the amendment was adopted.

Mr. Merriam moved to amend S. F. No. 254 as follows:

Page 2, after line 10, insert:

"*For the purpose of this subdivision, class 3 or 3b agricultural land does not include timber land, waste land, or any land for which the owner receives a state paid wetlands or native prairie tax credit.*"

Mr. Bernhagen moved to amend the Merriam amendment to S. F. No. 254 as follows:

Page 1, lines 6 and 7, delete "*timber land, waste land, or any*"

The question was taken on the adoption of Bernhagen amendment to the Merriam amendment.

The roll was called, and there were yeas 17 and nays 31, as follows:

Those who voted in the affirmative were:

Belanger	Bertram	Frederickson	Peterson,D.L.	Ulland
Benson	Brataas	Knutson	Ramstad	
Berg	Engler	Kronebusch	Renneke	
Bernhagen	Frederick	Lessard	Taylor	

Those who voted in the negative were:

Dahl	Johnson	Moe, R. D.	Petty	Vega
Davies	Kroening	Nelson	Setzepfandt	Waldorf
Davis	Langseth	Olhoft	Sikorski	Willet
Dicklich	Lantry	Pehler	Stern	
Dieterich	Luther	Penny	Stokowski	
Frank	Merriam	Peterson,C.C.	Stumpf	
Hughes	Moe, D. M.	Peterson,R.W.	Tennessen	

The motion did not prevail. So the amendment to the amendment was not adopted.

The question recurred on the Merriam amendment.

The motion prevailed. So the amendment was adopted.

Mr. Merriam then moved to amend S. F. No. 254 as follows:

Page 2, line 15, after "animal" insert "*or plant*"

Page 3, line 1, delete "*animal*"

Page 3, delete lines 5 to 13

Page 3, line 15, delete "*or*"

Page 3, line 16, delete "*propose*"

Page 5, line 19, after "*commissioner*" insert "*and the legislature*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 17, as follows:

Those who voted in the affirmative were:

Dahl	Johnson	Moe, D. M.	Peterson,R.W.	Tennessen
Davies	Knoll	Moe, R. D.	Petty	Waldorf
Dicklich	Kroening	Nelson	Sikorski	
Dieterich	Lantry	Pehler	Spear	
Frank	Luther	Penny	Stern	
Hughes	Merriam	Peterson,C.C.	Stumpf	

Those who voted in the negative were:

Benson	Davis	Kronebusch	Peterson,D.L.	Taylor
Berg	Engler	Langseth	Renneke	
Bernhagen	Frederick	Lessard	Rued	
Bertram	Frederickson	Menning	Setzepfandt	

The motion prevailed. So the amendment was adopted.

S. F. No. 278, which the committee recommends to pass with the following amendments offered by Mr. Pehler:

Amend the title as follows:

Page 1, line 3, before "Commission" insert:

"joint commuter rail study"

The motion prevailed. So the amendment was adopted.

Mr. Pehler then moved to amend S.F. No. 278 as follows:

Page 1, line 24, after the period, insert "*The implementation of sections 1 and 2 shall be the responsibility of the regional development commission for region 7W, the metropolitan council, the St. Cloud area planning organization and the commissioner of transportation.*"

The motion prevailed. So the amendment was adopted.

S. F. No. 817, which the committee recommends to pass after the following motions:

Mr. Renneke moved to amend S. F. No. 817 as follows:

Page 3, line 33, reinstate "shall", delete "*may*" and insert "*not*"

The motion prevailed. So the amendment was adopted.

Mr. Ulland moved to amend S. F. No. 817 as follows:

Page 1, line 22, strike ", the public employees retirement"

Page 1, line 23, strike "association"

Page 1, after line 26, insert:

"Sec. 2. Minnesota Statutes 1980, Section 11A.14, Subdivision 5, is amended to read:

Subd. 5. [PARTICIPATING PUBLIC RETIREMENT PLANS OR FUNDS.] The following public retirement plans and funds shall participate in the Minnesota combined investment fund:

(1) State employees retirement fund established pursuant to chapter 352;

(2) Correctional employees retirement plan established pursuant to chapter 352;

(3) Highway patrol retirement fund established pursuant to chapter 352B;

(4) ~~Public employees retirement fund established pursuant to chapter 353;~~

~~(5) Public employees police and fire fund established pursuant to chapter 353;~~

~~(6)~~ Teachers retirement fund established pursuant to chapter 354;

~~(7)~~ *(5)* Judges retirement fund established pursuant to chapter 490; and

~~(8)~~ *(6)* Any other fund required by law to participate.

Sec. 3. Minnesota Statutes 1980, Section 11A.23, Subdivision 4, is amended to read:

Subd. 4. [COVERED RETIREMENT FUNDS AND PLANS.] The provisions of this section shall apply to the following retirement funds and plans:

(1) State university and state community college supplemental retirement plan established pursuant to sections 136.80 to 136.87;

(2) State employees retirement fund established pursuant to chapter 352;

(3) Correctional employees retirement plan established pursuant to chapter 352;

(4) Highway patrol retirement fund established pursuant to chapter 352B;

(5) Unclassified employees retirement plan established pursuant to chapter 352D;

~~(6) Public employees retirement fund established pursuant to chapter 353;~~

~~(7) Public employees police and fire fund established pursuant to chapter 353;~~

~~(8)~~ Teachers' retirement fund established pursuant to chapter 354;

~~(9)~~ *(7)* Judges' retirement fund established pursuant to chapter 490; and

~~(10)~~ *(8)* Any other funds required by law to be invested by the board.

Sec. 4. [353.035] [BOARD OF TRUSTEES INVESTMENT DUTIES.]

Subdivision 1. [AUTHORITY.] *The board of trustees of the public employees retirement association shall manage the investment of funds of the association.*

Subd. 2. [POWERS AND DUTIES.] *The board of trustees shall:*

(1) Act on behalf of the association concerning investment matters of the association's assets.

(2) Formulate policies and procedures deemed necessary and appropriate to carry out its functions. Procedures adopted by the board shall be designed to keep beneficiaries and members of the association informed of proposed board actions.

(3) Employ investment advisors, managers or consultants, which may include the state board of investment.

(4) Prescribe policies concerning personal investments of all members of the board to avoid conflicts of interest.

(5) Maintain a record of all proceedings of the board.

(6) Assure that association funds are not used for the underwriting or direct purchase of municipal securities from the issuer's agent.

(7) Undertake any other activities necessary to implement the duties and powers set forth in this section.

(8) Utilize the formula or formulas developed by the state board of investment for measuring public pension fund performance.

(9) Maintain accurate and complete records of securities transactions and official activities.

(10) Cause all securities acquired to be kept in the custody of the state treasurer or such other depositories as the board deems appropriate.

Subd. 3. [LIABILITY; INDEMNIFICATION.] *A member of the board shall be indemnified and held harmless by the state for any reasonable costs or expenses incurred as a result of any actual or threatened litigation or admin-*

istrative proceedings arising out of the performance of the member's duties, except an action brought by the state or agency thereof arising from the failure of a board member to perform duties in the manner required by subdivision 5.

Subd. 4. [CONFLICT OF INTEREST; ECONOMIC INTEREST STATEMENT.] *No member of the board shall participate in deliberations or vote on any matter before the board which will or is likely to result in direct, measurable economic gain to the member. No member of the board shall participate in deliberations or vote on any matter before the board which will or is likely to result in direct, measurable economic gain to the member's employer. Members of the board shall file with the board of ethical practices the economic interest statement required by section 10A.09, subdivisions 5 and 6.*

Subd. 5. [STANDARD OF CARE.] *In the discharge of their respective duties, the members of the board, director, board staff, and any other person charged with the responsibility of investing money pursuant to the standards set forth in sections 11A.01 to 11A.25 shall act in good faith and shall exercise that degree of judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived therefrom.*

Subd. 6. [AUTHORIZED INVESTMENTS.] *The authorized investments for the board shall be those included under Minnesota Statutes, Sections 11A.24 and 11A.25.*

Sec. 5. Minnesota Statutes 1980, Section 353.05, is amended to read:

353.05 [CUSTODIAN OF FUNDS.]

The state treasurer shall be ex officio treasurer of the retirement funds of the association and his general bond to the state shall be so conditioned as to cover all liability for his acts as treasurer of these funds. All moneys of the association received by him shall be set aside in the state treasury to the credit of the proper fund. He shall transmit monthly to the executive director a detailed statement of all amounts so received and credited by him to the fund. He shall pay out the fund only on warrants issued by the commissioner of finance, upon abstracts signed by the executive director~~; provided that abstracts for investment may be signed by the secretary of the state board of investment~~.

Sec. 6. Minnesota Statutes 1980, Section 353.06, is amended to read:

353.06 [~~STATE BOARD OF~~ INVESTMENT ~~TO INVEST~~ OF FUNDS.]

The executive director shall from time to time certify to the ~~state~~ *public employees retirement association* board of ~~investment~~ *trustees* for investment ~~such~~ *the* portions of the retirement fund as in its judgment may not be required for immediate use. Assets from the public employees retirement fund shall be transferred to the ~~Minnesota~~ *association* post-retirement investment fund as provided in section ~~11A.18~~ *6*. The ~~state~~ *public employees retirement association* board of ~~investment~~ *trustees* shall thereupon invest and reinvest the sum ~~so~~ certified, or transferred, in ~~such~~ securities ~~as~~ *which* are duly authorized as legal investments for state employees retirement ~~fund~~ *funds* and shall have authority to sell, convey, and exchange ~~such~~ *the* securities and invest and reinvest the securities when it deems it desirable to do so and shall sell securities upon

request of the board of trustees when ~~such~~ the funds are needed for its purposes. All of the provisions regarding accounting procedures and restrictions and conditions for the purchase and sale of securities for the state employees retirement fund shall apply to the accounting, purchase and sale of securities for the public employees retirement fund.

Sec. 7. [353.275] [PARTICIPATION IN PERA POST-RETIREMENT INVESTMENT FUND.]

Subdivision 1. [AUTHORIZATION.] *The public employees retirement association, including the police and fire fund, may participate in the public employees retirement association post-retirement investment fund. There shall be one general participation in the association post-retirement investment fund for all purposes by the association.*

Subd. 2. [TRANSFER OF ASSETS.] *The association post-retirement investment fund shall consist of amounts held for payment of retirement allowances for members retired pursuant to this chapter. For members retiring after June 30, 1981, assets equal to the required reserves pursuant to law shall be transferred from the deposit accumulation fund to the association post-retirement investment fund. All income from investment of these assets shall be allocated to this fund. There shall be paid from this fund all the retirement annuities authorized by law.*

The state board of investment shall transfer the assets and obligations in the Minnesota post-retirement investment fund belonging to the retired members of the association to the association post-retirement investment fund under the management of the public employees retirement association board of trustees.

The laws governing accounting procedures, actuarial requirements, investments, benefit increases and other applicable provisions regarding the Minnesota post-retirement investment fund shall apply to the association post-retirement investment fund. The association board shall establish a deferred yield adjustment account equal to the association's proportional share of the Minnesota post-retirement investment fund's deferred yield adjustment account as of June 30, 1981.

Notwithstanding any law to the contrary, the transfer of assets and obligations shall be based on the proportionate share of required reserves of the Minnesota post-retirement investment fund owned by the association's members as determined by the actuary for the legislative commission on pensions and retirement on June 30, 1981. The proportionate share of required reserves owned shall determine the proportionate share of the assets of the Minnesota post-retirement investment fund to be transferred based on market value.

From and after June 30, 1981, the liability for the payment of all annuities to annuitants of the association previously payable from the Minnesota post-retirement investment fund shall be transferred to the retirement benefit fund of the association post-retirement investment fund and shall no longer be the liability of the Minnesota post-retirement investment fund.

At the close of the business day on June 30, 1981, there shall be transferred to the association board of trustees title to no less than 90 percent of the total market value of the estimated association fund participation. All market valuations shall be determined by a nationally recognized firm capable of performing such evaluations mutually agreed upon by the state investment board

and the association board. The transfer shall be in securities mutually agreeable to both parties and cash, representative of the portfolio composition on June 30, 1981. The remainder of the transfer shall be in cash with interest at the average rate earned in the Minnesota post-retirement adjustment fund short term portfolio from June 30, 1981 to the date of transfer after the actuarial determination of the proportionate share of reserves owned by the association is calculated by the actuary for the legislative commission on pensions and retirement.

Upon the completion of the transfer authorized by this section, the legislative auditor shall conduct an examination of the transfer proceedings, prepare specific findings as to the propriety of fiscal correctness thereof and transmit his findings to the state board of investment, public employees retirement asssociation board of trustees, the remaining funds participating in the Minnesota post-retirement adjustment fund and the legislative commission on pensions and retirement. If the legislative auditor finds any error in the transfer proceedings, the parties to the transfer shall immediately cause the error to be corrected.

The association shall pay any costs arising from the transfer directed by this section which would not have been incurred in the absence of the transfer.

If the state board of investment and the association jointly agree that the transfer authorized by this section should not be consummated on June 30, 1981, the transfer shall be undertaken on June 30, 1982, and all dates contained in this section shall be adjusted accordingly.

The provisions of this subdivision shall not be implemented until the association board of trustees, by a majority vote of its members, elects to establish an association post-retirement investment fund and implement the provisions of this subdivision. The election shall be made within 45 days after the effective date of this act.

Sec. 8. [353.2751] [TRANSFER OF OTHER ASSETS.]

On June 30, 1981 the state board of investment shall transfer the balance of all assets of the public employees retirement association in the deposit accumulation fund to the association board of trustees.

Sec. 9. [REFERENDUM.]

Subdivision 1. [ELIGIBILITY.] *The public employees retirement association board of trustees shall set a referendum date and establish the procedures for balloting by all the active members of the public employees retirement association basic, coordinated, and police and fire funds, all of the retirees of those funds and all benefit recipients of those funds.*

Subd. 2. [QUESTION.] *The referendum shall decide the following question: "Shall the public employees retirement association law be amended to give the public employees retirement association board of trustees control of the public employees retirement association assets and the power to select outside money managers to invest any or all of its assets subject to the requirements in the statutes that pertain to state investments?"*

Subd. 3. [MAJORITY REQUIRED.] *Sections 2 to 8 shall be effective if a majority of all those voting on the referendum question vote in the affirmative and shall take effect on the day after the public employees retirement associa-*

tion board of trustees certifies the results of the referendum.''

Page 9, after line 3, insert:

''*Subdivision 1. Minnesota Statutes 1980, Section 353.271, is repealed.*

Subd. 2.''

Page 9, after line 5, insert:

''*Subd. 3. Sections 2 to 8 are repealed effective July 1, 1986.*''

Page 9, line 7, delete ''*This act is*'' and insert ''*Section 9 is effective June 30, 1982. Sections 2 to 8 and section 18, subdivision 1, are effective upon approval by a majority vote as provided in section 9. Sections 1, 10 to 17, and section 18, subdivision 2, are*''

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert ''transferring jurisdiction over investment of funds of the public employees retirement association from the state board of investment to the public employees retirement association board of trustees; transferring''

Page 1, line 9, after ''Subdivision 1;'' insert ''11A.14, Subdivision 5; 11A.23, Subdivision 4; 353.05; 353.06;''

Page 1, line 10, after the semicolon, insert ''proposing new law coded in Minnesota Statutes, Chapter 353;''

Page 1, line 11, delete ''Section'' and insert ''Sections 353.271; and''

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 17 and nays 36, as follows:

Those who voted in the affirmative were:

Benson	Johnson	Lindgren	Solon	Waldorf
Berg	Keefe	Pehler	Stern	
Dicklich	Kroening	Peterson,D.L.	Taylor	
Engler	Lessard	Sikorski	Ulland	

Those who voted in the negative were:

Belanger	Dieterich	Kronebusch	Penny	Setzepfandt
Berglin	Frank	Langseth	Peterson,C.C.	Spear
Bernhagen	Frederick	Lantry	Peterson,R.W.	Stokowski
Bertram	Frederickson	Luther	Petty	Stumpf
Brataas	Hanson	Menning	Pillsbury	
Dahl	Hughes	Merriam	Purfeerst	
Davies	Knoll	Moe, D. M.	Renneke	
Davis	Knutson	Moe, R.D.	Rued	

The motion did not prevail.So the amendment was not adopted.

S. F. No. 805, which the committee recommends to pass with the following amendment offered by Mr. Moe, D.M.:

Page 7, line 15, strike ''cost of equity investments''

Page 7, line 16, strike "and the amortized cost of fixed income investments" and insert "*net assets at cost less the excess investment income determined pursuant to clause (1) (c)*"

Page 10, line 3, strike "three" and insert "*five*"

Page 11, after line 7, insert:

"Sec. 7. Minnesota Statutes 1980, Section 69.77, Subdivision 2, is amended to read:

Subd. 2. Subdivision 1 does not apply to an association enumerated in subdivision 1a under the following circumstances:

(1) Each member of the association pays into the retirement funds of the association during his term of covered employment from and after January 1, 1981, a contribution for retirement and survivorship benefits of not less than eight percent of the maximum rate of salary from which retirement and survivorship credits and amounts of benefits are determined, and that the contributions of a member are deducted from his salary by his governmental employer, transmitted to the association, and deposited to the credit of the proper fund thereof, provided that to avoid undue increase in the amount of employee contributions in any one year, any increase in the amount of contributions required by this section may be spread over several years, but the increase in rate of contribution in each year commencing in 1981 shall not be less than one percent until the appropriate levels of required employee contributions have been reached. This paragraph shall not apply to members who are volunteer firefighters, provided that the local governing body shall have given their approval to the exemption following consideration of the most recent actuarial survey.

(2) The officers of the association determine on or before the date established by the municipality, which shall not be later than September 1 and shall not be earlier than August 1, of each year the financial requirements and minimum obligation of the association for the following calendar year in accordance with the following requirements:

The financial requirements shall be based on the most recent actuarial survey prepared in accordance with sections 356.215, subdivision 4 and 356.216.

The total of the amounts calculated pursuant to clauses (a) and (b) shall constitute the financial requirements of the relief association for the following year.

(a) The normal level cost expressed as a percent of covered payroll determined from the actuarial survey shall be applied to the estimated covered payroll of the membership for the following year to determine the dollar amount of normal cost for said following year.

(b) To the dollar amount of normal cost thus determined shall be added an amount equal to the level annual dollar amount sufficient to amortize the unfunded accrued liability by December 31, 2010, as determined from the actuarial survey of the fund.

Except as otherwise provided in this paragraph, the minimum obligation of the governmental subdivision shall be the financial requirements of the association less the estimated amount of member contributions herein provided from

covered salary anticipated for the following calendar year and less one year's estimated receipts expected from the applicable state aid program established pursuant to sections 69.011 to 69.051, and from the local police and salaried firefighters' relief association amortization aid program established pursuant to section 423A.02. The minimum obligation may, by vote of the governing body of the governmental subdivision, be reduced to the amount levied in the preceding year for purposes of the association, plus the following percentage of the difference between that levy and the amount of the minimum obligation determined without benefit of this sentence: for the levy made in 1971, ten percent; in 1972, 20 percent; in 1973, 30 percent; in 1974, 40 percent; in 1975, 50 percent; in 1976, 60 percent; in 1977, 70 percent; in 1978, 80 percent; and in 1979, 90 percent. Commencing with the levy made in 1980, there shall be no reduction in the minimum obligation pursuant to this paragraph.

(3) The foregoing determination of the obligation of a governmental subdivision shall be submitted to its governing body on or before the date established by the municipality which shall not be earlier than August 1 and shall not be later than September 1 of each year so that it may ascertain if it has been prepared in accordance with law.

(4) The governmental subdivision shall provide and pay as promptly as funds are available to the association at least the amount of the minimum obligation each year. Any portion of this amount not paid to the association at the end of any calendar year shall be increased at the rate of six percent per annum until so paid. On September 1 of any year the unpaid amount subject to interest shall be added to the obligation of the governmental subdivision.

(5) The governmental subdivision shall provide in its annual budget at least its minimum obligation and may levy taxes for the payment thereof without limitation as to rate or amount and irrespective of limitations imposed by other provisions of law upon the rate or amount of taxation when the balance of any fund of the association has attained a specified level; the levy of such taxes shall not cause the amount of other taxes levied or to be levied by the governmental subdivision, which are subject to any such limitation, to be reduced in any amount whatsoever. If the governmental subdivision does not include the full amount of the minimum obligation in its levy for any year, the officers of the association shall certify that amount to the county auditor, who shall spread a levy in the amount of the obligation.

(6) Moneys paid by the governmental subdivision to the association in excess of the minimum amount so required shall be applied to the reduction in the unfunded liabilities of the association.

(7) The funds of the association shall be invested in securities which are proper investments pursuant to section 11A.24, except that up to $10,000 may be invested in the stock of any one corporation in any account of such small size that the three percent stock limitation specified in section 11A.24, subdivision 5 would necessitate a lesser investment. Securities held by the association before July 1, 1971, which do not meet the requirements of this paragraph may be retained after that date if they were proper investments for the association on April 28, 1969. The governing board of the association may select and appoint investment agencies to act for and in its behalf or may certify funds for investment by the state board under the provisions of section 11A.17, provided that there be no limit to the amount which may be invested in the income share

account, *in the bond account,* or in the fixed-return account, and that up to 20 percent of that portion of the assets of the association invested in the Minnesota supplemental ~~retirement~~ investment fund may be invested in the growth share account.

(8) The association shall procure an actuarial survey showing the condition of its fund pursuant to section 356.216 as of December 31, 1978, and shall procure an actuarial survey every two years thereafter. The association shall also procure a quadrennial experience study pursuant to section 356.216 as of December 31, 1978, and shall procure a quadrennial experience study every four years thereafter. A copy of the actuarial survey and the quadrennial experience study shall be filed with the director of the legislative reference library, the governing body of the municipality in which the association is organized, the executive secretary of the legislative commission on pensions and retirement, and the commissioner of insurance, not later than June 1 of the following year.

Sec. 8. Minnesota Statutes 1980, Section 69.775, is amended to read:

69.775 [INVESTMENTS.]

The special fund assets of the relief associations governed by sections 69.771 to 69.776 shall be invested in securities which are proper investments pursuant to section 11A.24, except that up to five percent of the special fund assets, or a minimum of $10,000, may be invested in the stock of any one corporation. Securities held by the associations before January 1, 1972, which do not meet the requirements of this section may be retained after that date if they were proper investments for the association on May 14, 1971. The governing board of the association may select and appoint investment agencies to act for and in its behalf or may certify funds for investment by the state board under the provisions of section 11A.17, provided that there be no limit to the amount which may be invested in the income share account, *in the bond account,* or in the fixed-return account, and that up to 20 percent of that portion of the assets of the association invested in the Minnesota supplemental ~~retirement~~ investment fund may be invested in the growth share account."

Page 11, line 16, after "*retirement*" insert "*investment*"

Page 11, line 17, after "*retirement*" insert "*investment*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, delete the first "and"

Page 1, line 9, after "subdivision" insert "; 69.77, Subdivision 2; and 69.775"

The motion prevailed. So the amendment was adopted.

S. F. No. 627, which the committee recommends to pass with the following amendment offered by Mr. Sikorski:

Page 2, after line 24, insert:

"Sec. 3. Minnesota Statutes 1980, Section 116H.12, Subdivision 3a, is amended to read:

Subd. 3a. Beginning April 20, 1977, no person shall use a decorative gas

lamp in Minnesota except as provided in ~~subdivision~~ *subdivisions* 3b *and 3c*.

Sec. 4. Minnesota Statutes 1980, Section 116H.12, is amended by adding a subdivision to read:

Subd. 3c. [STREET LIGHT EXEMPTION.] *Gas lamps installed prior to April 20, 1977, by or at the request of a municipality, on a public street or right of way, may be used as street lighting.*''

Page 4, line 17, delete ''6'' and insert ''7''

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after ''116H.08;'' insert ''116H.12, Subdivision 3a, and by adding a subdivision;''

The motion prevailed. So the amendment was adopted.

Mr. Peterson, R.W. moved that the report of the Committee of the Whole, as kept by the Secretary, be adopted.

Mr. Kroening requested that the report on S. F. No. 568 be divided out.

Mr. Peterson, R.W. moved the adoption of the remainder of the report of the Committee of the Whole. The motion prevailed.

Mr. Davies moved that the report on S. F. No. 568 be laid on the table. 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. Chmielewski introduced—

S.F. No. 1338: A bill for an act relating to taxation; redefining agricultural land for purposes of the agricultural homestead credit and state school agricultural credit; amending Minnesota Statutes 1980, Section 273.13, Subdivision 6.

Referred to the Committee on Taxes and Tax Laws.

Mr. Peterson, C.C. introduced—

S.F. No. 1339: A bill for an act relating to education; allowing certain teachers to obtain a permanent teaching certificate.

Referred to the Committee on Education.

Mr. Purfeerst introduced—

S.F. No. 1340: A bill for an act relating to local government; exempting the fire protection district levy of the towns of Erin, Forest, Webster and Wheatland in Rice County from the levy limitation.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Chmielewski introduced—

S.F. No. 1341: A bill for an act relating to taxation; eliminating the mill rate

limitation on the levy of the city of Duluth; repealing certain special city tax authority; repealing Laws 1969, Chapter 785; and Laws 1980, Chapter 511.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Solon, Purfeerst, Knutson, Spear and Schmitz introduced—

S.F. No. 1342: A bill for an act relating to public improvements; providing for a new women's correctional facility; providing for a bond issue; appropriating money.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Schmitz introduced—

S.F. No. 1343: A bill for an act relating to elections; providing for automatic recounts in certain judicial elections; amending Minnesota Statutes 1980, Sections 204A.51, Subdivisions 2 and 3; and 204A.53, Subdivisions 2 and 3.

Referred to the Committee on Elections and Reapportionment.

Mr. Ramstad introduced—

S.F. No. 1344: A bill for an act relating to the legislature; reducing the number of members of the senate and house of representatives; providing for the determination of the compactness of all reapportionment plans considered by the legislature; amending Minnesota Statutes 1980, Section 2.021.

Referred to the Committee on Rules and Administration.

Ms. Berglin; Messrs. Vega; Peterson, C.C.; Peterson, D. L. and Johnson introduced—

S.F. No. 1345: A bill for an act relating to taxation; imposing an excise tax on the wholesale sales of liquor, beer, and wine; providing for distribution of the proceeds of the tax to meet the cost of chemical dependency programs and control of drunken driving; providing penalties; appropriating funds; proposing new law coded in Minnesota Statutes, Chapter 340.

Referred to the Committee on Taxes and Tax Laws.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Thursday, April 16, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRTY-SIXTH DAY

St. Paul, Minnesota, Thursday, April 16, 1981

The Senate met at 10:00 a.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rabbi Max A. Shapiro.

The roll was called, and the following Senators answered to their names:

Ashbach	Dicklich	Kroening	Penny	Sikorski
Bang	Dieterich	Kronebusch	Peterson, C.C.	Solon
Belanger	Engler	Lantry	Peterson, D.L.	Spear
Benson	Frank	Lessard	Peterson, R.W.	Stern
Berg	Frederick	Lindgren	Petty	Stokowski
Berglin	Frederickson	Luther	Pillsbury	Stumpf
Bernhagen	Hanson	Menning	Purfeerst	Taylor
Bertram	Hughes	Merriam	Ramstad	Tennessen
Brataas	Humphrey	Moe, D.M.	Renneke	Ulland
Chmielewski	Johnson	Moe, R.D.	Rued	Vega
Dahl	Keefe	Nelson	Schmitz	Waldorf
Davies	Knoll	Olhoft	Setzepfandt	Wegener
Davis	Knutson	Pehler	Sieloff	Willet

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Mr. Langseth was excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

April 14, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S. F. Nos. 247 and 153.

Sincerely yours,

Albert H. Quie, Governor

April 15, 1981

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

The Honorable Jack Davies
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1981 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1981	Date Filed 1981
153		26	April 14	April 15
247		27	April 14	April 15
	40	28	April 14	April 15
	71	29	April 14	April 15
	84	30	April 14	April 15
	173	31	April 14	April 15
	201	32	April 14	April 15
	269	33	April 14	April 15
	297	34	April 14	April 15
	330	35	April 14	April 15
	341	36	April 14	April 15
	470	37	April 14	April 15

Sincerely,

Joan Anderson Growe
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S. F. No. 197.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 15, 1981

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 1237, 1269, 182, 696, 928, 937, 976, 979, 997, 1015, 1070, 1080, 1120, 1178, 1231, 912, 449, 569, 817, 893, 12 and 659.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 15, 1981

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H. F. No. 1237: A bill for an act relating to the city of Blaine; permitting all council members to serve on the housing and redevelopment authority.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 1204.

H. F. No. 1269: A bill for an act relating to energy; providing for the confidentiality of certain energy data; changing the duties of Minnesota energy agency; subdivision regulations; extending biomass center plan deadline; amending Minnesota Statutes 1980, Sections 116H.08; 116H.19, Subdivision 1; 462.358, Subdivision 2a; proposing new law coded in Minnesota Statutes, Chapter 15.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 627, now on General Orders.

H. F. No. 182: A bill for an act relating to commerce; revising the small loan act; increasing the loan amount which determines the necessity of obtaining a license; increasing the amount of liquid assets which must be maintained by a licensee; allowing certain purchasers of accounts to obtain a license; providing for the regulation of closings of licensees on holidays and weekends; providing for examinations at the commissioner's discretion; allowing the use of certain mechanical or electronic data processing methods to be used as books of account; allowing alternative compliance on certain rates of charge statements; allowing certain loans to be secured by real estate; restating maximum rates and charges; regulating licensee provisions concerning certain insurance in connection with loans made; allowing industrial loan and thrifts to make secured or unsecured loans on the terms, rates, and conditions permitted licensees; providing remedies; defining terms; providing for miscellaneous clarifications and revisions; amending Minnesota Statutes 1980, Sections 53.04, by adding a subdivision; 56.01; 56.02; 56.04; 56.07; 56.09; 56.10; 56.11; 56.12; 56.14; 56.15, Subdivision 1; 56.16; 56.17; 56.18; 56.19; 56.26; 334.02; 334.03; and proposing new law coded in Minnesota Statutes, Chapter 56; repealing Minnesota Statutes 1980, Sections 53.04, Subdivisions 3, 4, 6, and 7; 53.051; 56.06; 56.13; 56.15, Subdivision 2; and 56.20.

Referred to the Committee on Commerce.

H. F. No. 696: A bill for an act relating to the city of East Grand Forks; permitting the city to acquire and develop certain land for industrial purposes.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 576, now on General Orders.

H. F. No. 928: A bill for an act relating to the city of Isanti; authorizing the city to issue general obligation bonds for the acquisition and betterment of a municipal building.

Referred to the Committee on Local Government and Urban Affairs.

H. F. No. 937: A bill for an act relating to the city of Duluth; authorizing the city to continue to issue the number of liquor licenses it was authorized to issue in the year 1980.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 758, now on General Orders.

H. F. No. 976: A bill for an act relating to retirement; Minneapolis teachers retirement fund association; authorizing the establishment of a lump sum post retirement adjustment program; authorizing service credit for parental leaves.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 981.

H. F. No. 979: A bill for an act relating to health; encouraging philanthropic support of hospitals; providing that funds derived from specified types of gifts or grants shall not be deducted from the operating costs of a hospital; proposing new law coded in Minnesota Statutes, Chapter 144.

Referred to the Committee on Health, Welfare and Corrections.

H. F. No. 997: A bill for an act relating to drivers licenses; providing for the filing of photographic negatives; restricting the use of the negatives; amending Minnesota Statutes 1980, Section 171.07, by adding a subdivision.

Referred to the Committee on Judiciary.

H. F. No. 1015: A bill for an act relating to education; modifying the provisions governing teachers placed on unrequested leave of absence in experimental paired districts; amending Minnesota Statutes 1980, Section 122.85, Subdivision 4.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 1169, now on General Orders.

H. F. No. 1070: A bill for an act relating to health; exempting students in schools of dental assisting from the requirement of a dental license; amending Minnesota Statutes 1980, Section 150A.05, Subdivision 2.

Referred to the Committee on Health, Welfare and Corrections.

H. F. No. 1080: A bill for an act relating to children; authorizing counties to establish multidisciplinary child protection teams; proposing new law coded in Minnesota Statutes, Chapter 626.

Referred to the Committee on Health, Welfare and Corrections.

H. F. No. 1120: A bill for an act relating to public safety; authorizing the sale to and use by engineers of fireworks; amending Minnesota Statutes 1980, Section 624.21.

Referred to the Committee on General Legislation and Administrative Rules.

H. F. No. 1178: A bill for an act relating to the board of medical examiners; allowing temporary suspension of physicians' licenses without a hearing under certain conditions; amending Minnesota Statutes 1980, Section 147.021, by adding a subdivision.

Referred to the Committee on Health, Welfare and Corrections.

H. F. No. 1231: A bill for an act relating to state lands; directing conveyance of certain lands in Washington County.

Referred to the Committee on Agriculture and Natural Resources.

H. F. No. 912: A bill for an act relating to to Minnesota Statutes; correcting erroneous, ambiguous, omitted and obsolete references and text; eliminating redundant, conflicting and superseded provisions; reenacting certain laws; amending Minnesota Statutes 1980, Sections 10.30; 12.03, Subdivision 9; 12.25, Subdivision 1; 15.0412, Subdivision 4d; 15.1611, Subdivisions 1 and 2; 15.1621, Subdivision 2; 15.163, Subdivision 6; 15.166, Subdivisions 1, 2 and 4; 15.1671; 15.50, Subdivision 1; 15.61, Subdivision 2; 16.172; 16.822, Subdivisions 3 and 6; 17.72; 17B.23; 27.01, Subdivision 1; 31.58; 32A.04,

Subdivision 1; 35.067; 40.05, Subdivision 4; 40.071; 43.12, Subdivision 19; 43.126, Subdivisions 1 and 2; 43.24, Subdivision 2; 43.323, Subdivision 3; 47.203; 48.88, Subdivision 2; 50.14, Subdivision 5, as reenacted; 55.15; 60A.23, Subdivision 8; 62A.152, Subdivision 2; 62D.22, Subdivision 6; 62D.28, Subdivisions 2 and 3; 65B.05; 65B.06, Subdivision 2; 65B.71, Subdivision 2; 69.031, Subdivision 5; 69.29; 72A.20, Subdivision 15; 72C.11; 79.34, Subdivision 1; 84.55; 84A.52; 84B.05; 90.195; 92.36; 93.45, Subdivision 2; 111.09, Subdivision 2; 111.11; 111.31; 111.36; 111.78; 112.43, Subdivision 2; 115.34, Subdivision 1; 116.02, Subdivision 3; 116.06, Subdivision 1; 116.10; 122.532, Subdivision 3; 144.125; 144.653, Subdivision 1; 144.801, Subdivision 8; 144.92; 144A.01, Subdivision 2; 144A.10, Subdivision 3; 145.838, Subdivision 3; 148.88; 151.26, Subdivision 1; 161.38, Subdivision 6; 162.08, Subdivision 3; 173.12; 173.13, Subdivision 2; 173.20; 173.21; 174.256, Subdivision 5; 179.68, Subdivision 2; 179.69, Subdivision 3a; 179.691; 179.692; 182.661, Subdivision 1; 183.52; 183.56; 183.57, Subdivision 2; 183.59; 197.13; 197.48; 197.603, Subdivision 2; 218.031, Subdivision 1; 218.041, Subdivisions 2, 7 and 8; 219.39; 219.40; 219.741; 237.30; 239.05, Subdivision 1; 239.09; 241.021, Subdivision 2; 241.045, Subdivision 6; 241.27, Subdivision 2; 241.62, Subdivision 5; 243.87; 245.05; 245.06; 245.07; 245.781; 245.782, Subdivisions 1, 11 and 12; 245.783, Subdivisions 1, 2 and 3; 245.791; 245.801, Subdivision 5; 245.802, Subdivision 2; 245.803, Subdivisions 1, 2 and 3; 245.812, Subdivisions 2, 5 and 6; 250.05, Subdivisions 2 and 4; 256.25; 256.263, Subdivision 1; 256.483, Subdivision 1; 256B.15; 256E.03, Subdivision 2; 256E.06, Subdivision 2; 257.64, Subdivision 1; 260.241, Subdivision 4; 273.13, Subdivision 6; 275.50, Subdivisions 2 and 5; 282.281; 290.05, Subdivision 1; 290.14; 290.35; 290.53, Subdivision 4; 290.92, Subdivision 5; 290A.01; 290A.02; 290A.03, Subdivisions 1, 3, 8, 11 and 12; 290A.08; 290A.09; 290A.11, Subdivision 1; 290A.13; 290A.15; 290A.16; 290A.17; 290A.20; 290A.22; 294.25; 295.34, Subdivision 1; 297.03, Subdivision 3; 298.223; 298.244, Subdivision 2; 299F.19, Subdivision 6; 299H.22, Subdivision 2; 308.07, Subdivision 10; 325F.34; 326.02, Subdivisions 1, 2, 3, 4a and 5; 326.03, Subdivision 5; 326.08, Subdivision 1; 326.11, Subdivision 1; 326.12, Subdivision 3; 326.13; 340.54, Subdivisions 1 and 2; 349.11; 352.22, Subdivision 3; 352B.075, Subdivision 1; 353.661, Subdivision 2; 353.71, Subdivision 1; 354.44, Subdivision 1a; 354A.21; 360.037, Subdivision 2; 368.86; 412.251; 414.0325, Subdivisions 1 and 5; 418.20; 423.075, Subdivision 2; 427.09; 447.34, Subdivision 1; 447.35; 447.45, Subdivision 1; 465.72; 471.371, Subdivision 3; 471.616, Subdivision 1; 471.617; 471.74, Subdivision 2; 473.438, Subdivision 3; 473F.02, Subdivision 17; 474.03; 480.059, Subdivision 7; 485.14; 508.37, by adding a subdivision; 518.155; 518.66; 595.021; 595.022; 611.07, Subdivision 3; 611.12, Subdivision 7; 626.556, Subdivision 11; 626A.12, Subdivision 5; 628.56; 629.404, Subdivision 1; Laws 1980, Chapter 614, Section 163; reenacting Minnesota Statutes 1980, Section 50.14, Subdivision 5; reenacting and validating Laws 1980, Chapter 528; repealing Minnesota Statutes 1980, Chapters 2A and 3B; Sections 115.15; 115.16; 218.041, Subdivision 3; 273.061, Subdivision 11; 282.11; 325F.33; 325F.49; 325F.50; 473F.08, Subdivision 11; 475.53, Subdivision 2; 508.37, Subdivision 1; Laws 1979, Chapters 40, Sections 6 and 9; 303, Article 2, Section 7, and Article 10, Section 7; and 334, Article 3, Section 15; Laws 1980, Chapters 437, Section 4; 460, Sections 5, 18, 19 and 27; 487, Section 14; 509, Section 127; 528, Section 4; 534, Sections 27, 31, 39, 47, 53 and 54; 579, Section 3; and 600, section 8.

Referred to the Committee on Rules and Administration for comparison with

S. F. No. 919, now on General Orders.

H. F. No. 449: A bill for an act relating to courts; providing that court reporter salaries shall be set by the district court administrator after consultation with the chief judge; amending Minnesota Statutes 1980, Sections 486.05, Subdivision 1; and 487.11, Subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 793, now on General Orders.

H. F. No. 569: A bill for an act relating to housing; providing new standards and procedures for disclosing conflicts of interest for commissioners and employees of housing and redevelopment authorities; establishing penalties; proposing new law coded in Minnesota Statutes, Chapter 462; repealing Minnesota Statutes 1980, Section 462.431.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 538, now on General Orders.

H. F. No. 817: A bill for an act relating to education; permitting the operation of single sex wrestling teams; amending Minnesota Statutes 1980, Section 126.21, Subdivision 3.

Referred to the Committee on Education.

H. F. No. 893: A bill for an act relating to transportation; authorizing the purchase of the closed combination railroad and highway bridge connecting St. Paul Park in Washington County and Inver Grove Heights in Dakota County, and authorizing its operation as a toll bridge by a private business entity; providing for the regulation of the operation and maintenance of the bridge and the establishment of maximum toll charges by the counties of Washington and Dakota.

Referred to the Committee on Transportation.

H. F. No. 12: A bill for an act relating to public utilities; requiring commission approval of interim rate changes; amending Minnesota Statutes 1980, Sections 216B.16, Subdivision 3; and 237.075, Subdivision 3.

Referred to the Committee on Commerce.

H. F. No. 659: A bill for an act relating to retirement; St. Paul teachers retirement fund association; removing an expiration date on authority to provide post retirement increases in certain instances; authorizing reduced early retirement in certain instances; amending Laws 1979, Chapter 109, Section 1.

Referred to the Committee on Public Employees and Pensions.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 461: A bill for an act relating to intoxicating liquor; authorizing off-sale licensees to dispense samples of wine, liqueurs and cordials; amending Minnesota Statutes 1980, Section 340.11, Subdivision 15.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 975: A bill for an act relating to commerce; eliminating the state override of the federal usury preemption on certain loans; repealing Minnesota Statutes 1980, Section 47.203.

Reports the same back with the recommendation that the bill do pass. Report

adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 897: A bill for an act relating to insurance; regulating interest rates on life insurance policy loans; establishing written pricing and dividend policies in certain circumstances; prescribing penalties; amending Minnesota Statutes 1980, Section 61A.03; proposing new law coded in Minnesota Statutes, Chapter 72A.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 1126: A bill for an act relating to insurance; providing for continued health and accident coverage for former spouses after dissolution of the marriage in certain circumstances; amending Minnesota Statutes 1980, Section 62A.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 1980, Section 62A.21, is amended by adding a subdivision to read:

Subd. 2a. Every group policy described in subdivision 1 shall contain a provision which permits continuation of coverage under the policy for the insured's former spouse and children upon entry of a valid decree of dissolution of marriage, if the decree requires the insured to provide continued coverage for those persons. The coverage may be continued until the earlier of the following dates:

(a) The date of remarriage of either the insured or the insured's former spouse; or

(b) The date coverage would otherwise terminate under the group policy.

Any required premium contributions for the coverage shall be paid by the insured to the group policyholder for remittance to the insurer.

Sec. 2. Minnesota Statutes 1980, Section 62A.21, is amended by adding a subdivision to read:

Subd. 2b. Every group policy described in subdivision 1 shall contain a provision allowing a former spouse of an insured, without providing evidence of insurability, to obtain from the insurer at the expiration of any continuation of coverage required under subdivision 2, or upon termination of coverage by reason of an entry of a valid decree of dissolution which does not require the

insured to provide continued coverage for the former spouse, conversion coverage providing at least the minimum benefits required under section 62E.06, provided application is made to the insurer within 30 days following the expiration of the continued coverage and upon payment of the appropriate premium.

Sec. 3. Minnesota Statutes 1980, Section 62A.21, Subdivision 3, is amended to read:

Subd. 3. ~~This section~~ *Subdivision 1* applies to every policy of accident and health insurance which is delivered, issued for delivery, renewed or amended on or after ~~the effective date of this section~~ *July 19, 1977*.

Subdivisions 2a and 2b apply to every policy of accident and health insurance which is delivered, issued for delivery, renewed, or amended on or after August 1, 1981.

Sec. 4. [REPEALER.]

Minnesota Statutes 1980, Section 62A.21, Subdivision 2, is repealed.

Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 are effective August 1, 1981."

Amend the title as follows:

Page 1, line 3, after "spouses" insert "and children"

Page 1, line 5, after "62A.21" insert ", Subdivision 3, and by adding subdivisions; repealing Minnesota Statutes 1980, Section 62A.21, Subdivision 2"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 662: A bill for an act relating to commerce; providing for examinations of financial institutions; providing for the proportioning of annual assessments; providing uniform retention periods for records; clarifying the definition of financial institution; clarifying the distance drive-in or walk-up facilities may be located from a detached facility under certain circumstances; clarifying the notice and approval procedures and judicial review procedures for detached facilities; providing that voting equity in a bank's holding company satisfies the stock requirement of a director; providing additional time for submitting certain bank reports and authorizes acceptance of certain substitute reports; clarifying certain withdrawal provisions applicable to savings associations; requiring credit unions to obtain a commitment for insurance of accounts prior to approval of its application for organization; expanding the exemption from the licensing requirement for sales finance companies to include certain other financial institutions; providing for a compliance exam of sales finance companies once every two years instead of annually; removing certain obsolete provisions, including one in recognition of those statutory provisions which authorize full service detached facilities; amending Minnesota Statutes 1980, Sections 46.04, Subdivision 1; 46.131, Subdivision 4; 46.21; 47.015, Subdivision 1; 47.52; 47.54; 48.06; 48.48; 51A.33; 52.01; 168.67; and 168.705; repealing Minnesota Statutes 1980, Sections 46.131, Subdivision 6; 47.17;

and 48.34.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, after line 6, insert:

"Sec. 3. Minnesota Statutes 1980, Section 46.131, Subdivision 9, is amended to read:

Subd. 9. These assessments or fees shall be paid by the institution examined within 20 days after a statement of the amount ~~thereof shall have~~ *has* been ~~rendered~~ *submitted to* the institution examined by the commissioner of banks and, if not so paid, shall bear interest at the *discount* rate ~~of six percent per annum; provided, that in no case shall this penalty be less than $5. Such~~ *charged member banks for borrowing from the Federal Reserve Bank. The* penalty shall be payable to the commissioner on ~~his making a~~ request ~~for payment~~."

Page 5, line 34, strike "if the commissioner"

Page 5, line 35, strike the old language and delete "*the*"

Page 5, strike line 36

Page 6, line 1, strike "addition of a drive-in or walk-up facility"

Page 9, after line 11, insert:

"Sec. 9. Minnesota Statutes 1980, Section 48.34, is amended to read:

48.34 [BRANCH BANKS PROHIBITED.]

No bank or trust company organized under the laws of this state shall maintain a branch bank or receive deposits or pay checks within this state, except at its own banking house, and *except as authorized by sections 47.51 to 47.57 and sections 47.61 to 47.74*. The commissioner shall take possession of and liquidate the business and affairs of any state bank or trust company violating the provisions of this section, in the manner prescribed by law for the liquidation of insolvent state banks and trust companies."

Page 10, after line 10, insert:

"Sec. 11. Minnesota Statutes 1980, Section 48.51, is amended to read:

48.51 [DEMAND DEPOSITS DEFINED.]

For the purpose of sections 48.50 and 48.51, all deposits are payable on demand except:

(1) Those deposits which are evidenced by a negotiable or non-negotiable instrument which provides on its face that the amount of the deposit is payable:

(a) on a certain date, specified in the instrument, not less than ~~30~~ *14* days after the date of the deposit; or (b) at the expiration of a specified period not less than ~~30~~ *14* days after the date of the instrument; or (c) upon written notice to be given not less than ~~30~~ *14* days before the date of repayment.

(2) Those deposits which may not be withdrawn within ~~30~~ *14* days of the making thereof.

(3) Those deposits which may not be withdrawn within ~~30~~ *14* days of the

giving of notice of an intended withdrawal."

Page 11, line 30, strike "such" and insert "*the*"

Page 13, line 23, strike "his" and insert "*a*"

Page 16, after line 10, insert:

"Sec. 16. Minnesota Statutes 1980, Section 300.025, is amended to read:

300.025 [ORGANIZATION, CERTIFICATE.]

Any three or more persons may form a corporation for any of the purposes specified in section 47.12 by complying with the conditions hereinafter prescribed; provided, no corporation shall be formed under this section which might be formed under the Minnesota business corporation act. They shall subscribe and acknowledge a certificate specifying:

(1) The name, the general nature of its business, and the principal place of transacting the same. ~~Such~~ *The* name shall distinguish it from all other corporations, domestic or foreign, authorized to do business in this state, and shall contain the word "company," "corporation," "bank," "association," or "incorporated". ~~In the case of a state bank the name shall contain the words "state bank."~~

(2) The period of its duration, if limited.

(3) The names and places of residence of the incorporators.

(4) In what board its management shall be vested, the date of the annual meeting at which it shall be elected, and the names and addresses of those composing the board until the first election, a majority of whom shall always be residents of this state.

(5) The amount of capital stock, if any, how the same is to be paid in, the number of shares into which it is to be divided, and the par value of each share; and, if there is to be more than one class, a description and the terms of issue of each, and the method of voting thereon.

(6) The highest amount of indebtedness or liability to which the corporation shall at any time be subject.

It may contain any other lawful provision defining and regulating the powers and business of the corporation, its officers, directors, trustees, members, and stockholders provided that corporations subject to provisions of section 48.27 may show their highest amount of indebtedness to be 30 times the amount of its capital and actual surplus."

Page 16, line 14, delete "*Sections*" and insert "*Section*"

Page 16, line 14, delete "*; and 48.34 are*" and insert "*is*"

Page 16, line 17, delete "*13*" and insert "*17*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "providing a penalty for failure to pay certain fees and assessments;"

Page 1, line 15, after the semicolon, insert "modifying the definition of

"demand deposits";"

Page 1, line 24, after the semicolon, insert "removing the requirement that a state bank's name contain the words "state bank";"

Page 1, line 28, delete "Subdivision 4" and insert "Subdivisions 4 and 9"

Page 1, line 29, after "48.06;" insert "48.34;"

Page 1, line 29, after "48.48;" insert "48.51;"

Page 1, line 30, delete "and" and after "168.705;" insert "and 300.025;"

Page 1, line 32, after "6;" insert "and" and delete "; and 48.34"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

H. F. No. 30: A bill for an act relating to Independent School District No. 219, Elmore; requiring revision of its certified statutory operating debt.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Knoll from the Committee on Governmental Operations, to which was referred

S. F. No. 942: A bill for an act relating to the secretary of state; requiring that government survey documents be maintained on microfilm; providing for filing certain documents with the Minnesota historical society; amending Minnesota Statutes 1980, Section 5.03.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 20, delete "*filed*" and insert "*maintained*" and delete "*with the*" and insert a period

Page 1, delete lines 21 to 23

Amend the title as follows:

Page 1, line 4, delete "providing for filing certain documents with"

Page 1, line 5, delete "the Minnesota historical society;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Knoll from the Committee on Governmental Operations, to which was referred

S. F. No. 1223: A bill for an act relating to water well contractors; altering the exemption from license requirements for certain registered professional engineers; amending Minnesota Statutes 1980, Section 156A.03, Subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 16, after "*wells*" insert "*as defined in rules promulgated by the*

commissioner''

Page 1, line 16, remove the underscoring from the period

Page 1, after line 20, insert:

''*Any professional engineer engaged in the practice of constructing ground water quality sampling and monitoring wells as described in this subdivision shall register with the commissioner on forms provided by the commissioner.*''

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Knoll from the Committee on Governmental Operations, to which was referred

S. F. No. 1179: A bill for an act relating to state government; providing for the appropriation of funds equal to the value of transferred assets when certain assets are transferred among state agencies; directing the state auditor to determine certain adjustments to foundation aid payments; transferring to the commissioner of finance certain duties of the state auditor related to Minnesota aeronautics bonds; providing for the state auditor to approve bonds for officers and employees of regional development commissions; providing for audits of housing and redevelopment authorities under certain conditions; transferring duties of the state auditor to the commissioner of finance related to state taxes on the sale of certain obligations; appropriating money; amending Minnesota Statutes 1980, Sections 16.73; 124.212, Subdivision 20; 360.302; 462.389, Subdivisions 2 and 4; and 475.73, Subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, delete section 2

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 17, delete ''124.212, Subdivision 20;''

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Knoll from the Committee on Governmental Operations, to which was referred

H. F. No. 518: A bill for an act relating to education; including state hospitals as eligible employers for the purpose of work-study grants; amending Minnesota Statutes 1980, Section 136A.233, Subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 21, after ''agency'' insert ''*or state institution*''

Amend the title as follows:

Page 1, line 2, delete ''hospitals'' and insert ''institutions''

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Knoll from the Committee on Governmental Operations, to which was referred

H. F. No. 365: A bill for an act relating to building code inspectors; authorizing certain municipalities to choose between two options to enforce the provisions of the building code related to access for handicapped persons; amending Minnesota Statutes 1980, Section 16.861, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Knoll from the Committee on Governmental Operations, to which was referred

H. F. No. 401: A bill for an act relating to commerce; regulating the licensing of electricians; amending Minnesota Statutes 1980, Section 326.242, Subdivision 2.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Knoll from the Committee on Governmental Operations, to which was referred

H. F. No. 189: A bill for an act relating to governmental operations; prohibiting the use of state government vehicles for nongovernmental functions; prohibiting compensation of employees for use of personal vehicles for nongovernmental purposes; amending Minnesota Statutes 1980, Section 16.753.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Knoll from the Committee on Governmental Operations, to which was re-referred

S. F. No. 288: A bill for an act relating to economic development; establishing a uniform business licensing policy; defining its scope; and detailing its application and effect; proposing new law coded in Minnesota Statutes, Chapter 362.

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 1980, Section 3.965, is amended by adding a subdivision to read:

Subd. 5. [BUSINESS LICENSING RULES.] *The commission may conduct the public meetings for review of rules related to business licenses as required by section 4.*

Sec. 2. [362.450] [UNIFORM BUSINESS LICENSING POLICY.]

Subdivision 1. [FINDING.] *The legislature finds that a uniform policy on business licenses is necessary to maintain an adequate level of protection of the public welfare while preventing business licensing from becoming overly burdensome for the citizens and businesses of Minnesota.*

Subd. 2. [POLICY.] *It is the policy of the state of Minnesota that to the*

extent practicable, when required, a business license:

(a) Should be necessary to protect the safety, health or welfare of the citizens of the state or to ensure fair competition, competency in business, responsible financial practices, or other ethical business conduct;

(b) Should not duplicate or significantly overlap any other business license;

(c) Should be issued and renewed for the longest period possible consistent with the need to review eligibility and compliance with the terms and conditions of the license;

(d) Should contain a termination or renewal date determined by the agency to be as convenient as possible for the license holder consistent with clause (c). When an agency issues more than one license to the same business these licenses should have the same calendar renewal date; and

(e) Should involve payment of a fee in an amount no greater than specified by statute. If a fee is authorized by statute and set by rule, the fee shall be no greater than necessary to recover the administrative cost of issuing or renewing the license or enforcing its terms and conditions. The fees and conditions may be different for different classes of businesses and for initial issuance and subsequent renewals.

Sec. 3. [362.451] [DEFINITIONS.]

Subdivision 1. [APPLICATION.] *For the purposes of sections 2 to 5, the terms defined in this section have the meanings given them.*

Subd. 2. [BUSINESS LICENSE.] *"Business license" or "license" means any permit, registration, certification, or other form of approval authorized by statute or rule to be issued by any agency or instrumentality of the state of Minnesota as a condition of doing business in Minnesota. The term also includes, when applicable, the substantive and procedural criteria governing the qualifications for, and issuance and maintenance of, a business license.*

Subd. 2a. [LICENSE; EXCEPTIONS.] *"Business license" or "license" does not include the following:*

(1) Any occupational license issued by a licensing board listed in section 214.01 or any occupational registration issued by the commissioner of health pursuant to section 214.13;

(2) Any license issued by a county, home rule charter city, statutory city, township or other political subdivision;

(3) Any license required to practice the following occupation regulated by the following sections:

(a) Abstracters regulated pursuant to chapter 386;

(b) Accountants regulated pursuant to chapter 326;

(c) Adjusters regulated pursuant to chapter 72B;

(d) Architects regulated pursuant to chapter 326;

(e) Assessors regulated pursuant to chapter 270;

(f) Attorneys regulated pursuant to chapter 481;

(g) Auctioneers regulated pursuant to chapter 330;

(h) Barbers regulated pursuant to chapter 154;

(i) Beauticians regulated pursuant to chapter 155;

(j) Boiler operators regulated pursuant to chapter 183;

(k) Chiropractors regulated pursuant to chapter 148;

(l) Cosmetologists regulated pursuant to chapter 155;

(m) Dentists and dental hygienists regulated pursuant to chapter 150A;

(n) Detectives regulated pursuant to chapter 326;

(o) Electricians regulated pursuant to chapter 326;

(p) Embalmers regulated pursuant to chapter 149;

(q) Engineers regulated pursuant to chapter 326;

(r) Insurance brokers and salespersons regulated pursuant to chapter 60A;

(s) Midwives regulated pursuant to chapter 148;

(t) Morticians regulated pursuant to chapter 149;

(u) Nursing home administrators regulated pursuant to chapter 144A;

(v) Optometrists regulated pursuant to chapter 148;

(w) Osteopathic physicians regulated pursuant to chapter 147;

(x) Pharmacists regulated pursuant to chapter 151;

(y) Physical therapists regulated pursuant to chapter 148;

(z) Physicians and surgeons regulated pursuant to chapter 147;

(aa) Plumbers regulated pursuant to chapter 326;

(bb) Podiatrists regulated pursuant to chapter 153;

(cc) Practical nurses regulated pursuant to chapter 148;

(dd) Psychologists regulated pursuant to chapter 148;

(ee) Real estate brokers and salespersons regulated pursuant to chapter 82;

(ff) Registered nurses regulated pursuant to chapter 148;

(gg) Securities brokers, dealers and agents regulated pursuant to chapter 80A;

(hh) Steamfitters regulated pursuant to chapter 326;

(ii) Teachers and supervisory and support personnel regulated pursuant to chapter 125;

(jj) Veterinarians regulated pursuant to chapter 156;

(kk) Watchmakers regulated pursuant to chapter 326;

(ll) Water conditioning contractors and installers regulated pursuant to chapter 326;

(mm) Water well contractors regulated pursuant to chapter 156A;

(nn) Water and waste treatment operators regulated by chapter 115;

(4) Any driver's license required pursuant to chapter 171;

(5) Any aircraft license required pursuant to chapter 360;

(6) Any watercraft license required pursuant to chapter 361;

(7) Any license, permit, registration, certification, or other approval pertaining to a regulatory or management program related to the protection, conservation, or use of or interference with the resources of land, air or water, which is required to be obtained from a state agency or instrumentality; and

(8) Any pollution control rule or standard established by the pollution control agency or any health rule or standard established by the commissioner of health.

Sec. 4. [362.452] [REVIEW OF EXISTING RULES FOR BUSINESS LICENSES.]

Subdivision 1. [AGENCY REVIEW.] *Each agency or instrumentality of the state which is authorized or directed by statute to issue business licenses shall complete a detailed written review of its rules for business licenses to assure compliance with the policy in section 2. Each agency shall review at least one-half of its rules for business licenses by June 30, 1982, and the remaining rules for business licenses by June 30, 1983.*

Subd. 2. [LEGISLATIVE COMMISSION TO REVIEW ADMINISTRATIVE RULES.] *Each agency shall submit its reviews of business licensing rules to the legislative commission to review administrative rules within 30 days of their completion. The reviews shall be submitted together with any agency recommendations to amend existing business licensing rules. The commission shall conduct public meetings to afford interested persons the opportunity to comment on the business licensing rules under review. The commission shall publish notice of the meetings in the state register at least 30 days in advance of the meetings.*

Subd. 3. [ADMINISTRATIVE AND LEGISLATIVE AMENDMENTS.] *Each agency shall use its review and the comments received from the public at the public meetings to initiate administrative action or legislative changes to bring the business licensing rules of the agency into compliance with the policy in section 2. If, following the review process, an agency determines that the existing statutory provisions for a license are inconsistent with the policy in section 2, the agency shall present legislation at the next regular session of the legislature to correct the inconsistencies, and the existing statutory provisions shall remain in effect until the legislature enacts the changes. An agency which does not review rules for a business license pursuant to this section shall report its decision and its reasons to the appropriate standing committees of the senate and the house of representatives at the next legislative session. Any rule for a business license so reported shall cease to exist as a condition of doing business at the end of that legislative session unless legislation is passed to continue the existence of the license.*

Subd. 4. [EXISTING RULES; EXCEPTION.] *Notwithstanding subdivision 1, an agency is not required to review any rule for a business license promulgated on or after January 1, 1977, when the agency has followed the recommendations of a hearing examiner if a hearing examiner was employed. Rules described in this subdivision are not subject to the provisions of subdivision 3.*

Sec. 5. [362.453] [NEW LICENSES.]

Any new business license authorized by the legislature or established by rule after the effective date of sections 1 to 7 shall conform to the policy in section 2.

Sec. 6. [362.454] [EXISTING LICENSES.]

Nothing in sections 1 to 5 shall affect the validity of duration of an existing issued license.

Sec. 7. [APPROPRIATION; STAFFING.]

For the biennium ending June 30, 1983, the sum of $25,000 is appropriated from the general fund to the legislative coordinating commission for distribution to the legislative commission to review administrative rules for the performance of its duties under section 4.

In addition, general administrative and support services shall be provided at no cost to the legislative commission to review administrative rules by the house of representatives and the senate on an alternating basis for one year periods. The senate shall provide these services during the fiscal year ending June 30, 1983.

Sec. 8. [EFFECTIVE DATE.]

Sections 1 to 7 are effective the day following final enactment."

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "appropriating money; amending Minnesota Statutes 1980, Section 3.965, by adding a subdivision;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Knoll from the Committee on Governmental Operations, to which was re-referred

S. F. No. 286: A bill for an act relating to economic development; prescribing the powers and duties of the bureau of business licenses regarding the consolidation, simplification, and expedition of business license procedures of state agencies; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 362.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [362.451] [DECLARATION OF PURPOSE.]

It is the intent of the legislature that a program of business license assistance be established to provide a centralized state government office to which business license applicants may obtain comprehensive license information and assistance. The program of business assistance will be directed to commercial business undertakings, projects, and activities rather than to the issuance of licenses for individual privileges, including the occupational licenses for practicing a trade or profession, licenses for operating a motor vehicle, and amateur sporting licenses, including, but not limited to, hunting and fishing.

Sec. 2. [362.453] [DEFINITIONS.]

Subdivision 1. [TERMS.] *For the purposes of sections 1 to 14, the following terms have the meanings given them.*

Subd. 2. [AGENCY.] *"Agency" has the meaning given it in Minnesota Statutes, Section 15.0411, Subdivision 2.*

Subd. 3. [APPLICANT.] *"Applicant" means a person acting on his own behalf or authorized to act on behalf of any other person for the purpose of securing a license.*

Subd. 4. [BUREAU.] *"Bureau" means the bureau of business licenses.*

Subd. 5. [COMMISSIONER.] *"Commissioner" means the commissioner of the department of economic development.*

Subd. 6. [DIRECTOR.] *"Director" means the director of the bureau of business licenses.*

Subd. 7. [BUSINESS LICENSE.] *"Business license" or "license" means any permit, registration, certification, or other form of approval authorized by statute or rule to be issued by any agency or instrumentality of the state of Minnesota as a condition of doing business in Minnesota. The term also includes, where applicable, the substantive and procedural criteria governing the qualifications for, and issuance and maintenance of, a business license.*

Subd. 7a. "Business license" or "license" does not include the following:

(1) Any occupational license issued by a licensing board listed in section 214.01 or any occupational registration issued by the commissioner of health pursuant to section 214.13;

(2) Any license issued by a county, home rule charter city, statutory city, township or other political subdivision;

(3) Any license required to practice the following occupation regulated by the following sections:

(a) Abstracters regulated pursuant to chapter 386;

(b) Accountants regulated pursuant to chapter 326;

(c) Adjusters regulated pursuant to chapter 72B;

(d) Architects regulated pursuant to chapter 326;

(e) Assessors regulated pursuant to chapter 270;

(f) Attorneys regulated pursuant to chapter 481;

(g) Auctioneers regulated pursuant to chapter 330;

(h) Barbers regulated pursuant to chapter 154;

(i) Beauticians regulated pursuant to chapter 155;

(j) Boiler operators regulated pursuant to chapter 183;

(k) Chiropractors regulated pursuant to chapter 148;

(l) Cosmetologists regulated pursuant to chapter 155;

(m) Dentists and dental hygienists regulated pursuant to chapter 150;

(n) Detectives regulated pursuant to chapter 326;

(o) Electricians regulated pursuant to chapter 326;

(p) Embalmers regulated pursuant to chapter 149;

(q) Engineers regulated pursuant to chapter 326;

(r) Insurance brokers and salespersons regulated pursuant to chapter 60A;

(s) Midwives regulated pursuant to chapter 148;

(t) Morticians regulated pursuant to chapter 149;

(u) Nursing home administrators regulated pursuant to chapter 144A;

(v) Optometrists regulated pursuant to chapter 148;

(w) Osteopathic physicians regulated pursuant to chapter 147;

(x) Pharmacists regulated pursuant to chapter 151;

(y) Physical therapists regulated pursuant to chapter 148;

(z) Physicians and surgeons regulated pursuant to chapter 147;

(aa) Plumbers regulated pursuant to chapter 326;

(bb) Podiatrists regulated pursuant to chapter 153;

(cc) Practical nurses regulated pursuant to chapter 148;

(dd) Psychologists regulated pursuant to chapter 148;

(ee) Real estate brokers and salespersons regulated pursuant to chapter 82;

(ff) Registered nurses regulated pursuant to chapter 148;

(gg) Securities brokers, dealers and agents regulated pursuant to chapter 80A;

(hh) Steamfitters regulated pursuant to chapter 326;

(ii) Teachers and supervisory and support personnel regulated pursuant to chapter 125;

(jj) Veterinarians regulated pursuant to chapter 156;

(kk) Watchmakers regulated pursuant to chapter 326;

(ll) Water conditioning contractors and installers regulated pursuant to chapter 326;

(mm) Water well contractors regulated pursuant to chapter 156A;

(nn) Water and waste treatment operators regulated pursuant to chapter 115;

(4) Any driver's license required pursuant to chapter 171;

(5) Any aircraft license required pursuant to chapter 360;

(6) Any watercraft license required pursuant to chapter 361;

(7) Any license, permit, registration, certification, or other approval pertaining to a regulatory or management program related to the protection, conservation, or use of or interference with the resources of land, air or water, which is required to be obtained from a state agency or instrumentality; and

(8) Any pollution control rule or standard established by the pollution control agency or any health rule or standard established by the commissioner of health.

Subd. 8. [PERSON.] *"Person" means any individual, proprietorship, partnership, association, cooperative, corporation, nonprofit organization, state or local government agency, and any other organization required to obtain one or more licenses.*

Sec. 3. [362.455] [BUREAU OF BUSINESS LICENSES.]

Subdivision 1. [APPOINTMENT OF DIRECTOR.] *The head of the bureau shall be the director of business licenses. The director shall be appointed by the commissioner in accordance with Minnesota Statutes, Section 362.23, and shall be in the classified service.*

Subd. 2. [DIRECTOR'S POWERS AND DUTIES.] *The director shall direct the work of the bureau. The director may, with the advice and consent of the commissioner, hire employees as he may deem necessary, prescribe their duties, fix their compensation, and provide for the reimbursement of their expenses.*

Subd. 3. [DIRECTOR'S REPORT.] *The director shall report to the commissioner or his designee on the activities of the bureau to ensure the consistency of those activities with the overall economic development policies of the state.*

Subd. 4. [COORDINATION WITH OTHER AGENCIES.] *The commissioner, working with other agency heads, shall assure that the activities of the bureau are fully coordinated with related activities of other agencies.*

Sec. 4. [362.457] [GENERAL FUNCTIONS; POWERS AND DUTIES.]

The bureau, by and through the director or his duly authorized employees, shall have the following functions, powers, and duties:

(a) Providing comprehensive information on licenses required for business undertakings, projects, and activities in the state and making the information available to applicants and other persons;

(b) Providing interested persons with an opinion as to the number, kind, and source of required licenses and potential difficulties in obtaining the licenses, based on a review of a potential applicant's business concept at an early stage in its planning;

(c) Developing with the assistance of other departments a master application procedure to expedite the identification and processing of these licenses;

(d) Facilitating or recommending consolidation of hearings required pursuant to licensing applications when feasible and advantageous;

(e) Encouraging and facilitating the participation of federal and local government agencies in licensing coordination;

(f) Making recommendations for eliminating, consolidating, simplifying, expediting, or otherwise improving licensing procedures affecting business undertakings; and

(g) Adopting rules, procedures, instructions, and forms as are required to

carry out the functions, powers, and duties imposed upon the bureau by sections 1 to 14.

Sec. 5. [362.459] [ASSISTANCE OF OTHER AGENCIES.]

To effect the purposes of sections 1 to 14, and when requested by the commissioner, an agency shall to the extent practicable provide assistance, services, facilities, and data as will enable the bureau to carry out its functions, powers, and duties.

Sec. 6. [362.461] [COMPREHENSIVE LICENSE INFORMATION.]

Subdivision 1. [REPORTS BY AGENCIES.] *Not later than 90 days from the effective date of sections 1 to 14, each agency issuing licenses for business undertakings, projects, and activities shall report to the bureau, in a form prescribed by the bureau, on each and every type of license administered or issued by the agency. Application forms, applicable agency rules, fee schedules, and the estimated time period necessary for license application consideration based on experience and statutory or regulatory requirements shall accompany each report. The reports shall be updated every two years.*

Subd. 2. [REPORT SUPPLEMENTATION.] *Each agency issuing licenses for business undertakings, projects, and activities shall, subsequent to its report pursuant to subdivision 1, provide the bureau with a report of any new license or modification of any existing license, or licensing procedures, together with applicable forms, rules, and information required under subdivisions 1 and 2 regarding new or modified licenses.*

Subd. 3. [PREPARATION OF INFORMATION FILE.] *The bureau shall prepare an information file on agency license requirements upon receipt of the agency reports and shall develop methods for its maintenance, revision, updating, and ready access.*

Subd. 4. [LICENSE INFORMATION PROVIDED BY BUREAU.] *The bureau shall provide comprehensive license information on the basis of information submitted in subdivisions 1 to 3. The bureau may prepare and distribute publications, guides, and other materials based upon the agency reports and the information file. These materials are designed to serve the convenience of license applicants and explain license requirements affecting business, including requirements having multiple license or multiple agency aspects.*

Sec. 7. [362.463] [PREAPPLICATION CONFERENCES.]

Subdivision 1. [REQUESTS FOR CONFERENCE.] *The bureau, at the request of any person, proceeding in accordance with this section, may conduct a preapplication conference, pending the formal submission of application forms, in which affected agencies shall participate to the extent practicable in order to clarify the nature and scope of their interest, to provide guidance regarding license application and review procedures, and to coordinate agency actions and data collection or submission regarding license application.*

Subd. 2. [MULTIPLE LICENSES; AGENCIES TO PROVIDE REVIEW AND OPINION.] *If, in the course of a preapplication conference, it becomes clear in the opinion of the director that a proposed business undertaking: (a) may require multiple licenses from the same or different state departments; (b) will take place in phases over an extended period of time; (c) will involve*

substantial expense for preparation of detailed plans, specifications and license applications; or (d) is of a new or unique nature, then each affected agency shall, at the request of the director to the extent practicable, provide the applicant with a written review and opinion as to all licenses which the agency would require for the proposed undertaking, the standards and conditions which would have to be met in order to obtain the licenses, timetables involved, and any properly related circumstances or findings.

Subd. 3. [WRITTEN OPINIONS; TIME LIMITS; EXTENSIONS.] *Each agency participating in the review and opinion process shall render the written opinion within a period not exceeding 60 days from the date fixed by the director. This period may be extended by the director at the request of an interested agency for the further consideration of information provided in accordance with this section. The director shall advise the person having requested the review and opinion of the extension, the reasons for it, and the revised period fixed by the director for rendering the written opinion. The person shall be entitled to confer with the bureau and with any agency having been granted an extension of time to ascertain what further information, if any, is required to facilitate the rendering of the review and opinion.*

Subd. 4. [EFFECT OF REVIEW AND OPINION PROCEDURE.] *A preapplication review and opinion shall not relieve the person from the responsibility of obtaining any required licenses and shall be contingent upon the submission of all detailed plans, specifications, and information required for license applications. An agency's written opinion as to required licenses shall remain in effect indefinitely for the proposed business undertaking, project, or activity as described in the applicant's submission. However, if new license requirements or related standards over which an agency has no control or discretion in establishing subsequently become effective, the new license requirements or standards shall not be considered to have been part of the preapplication review and opinion. The opinion of the agency may be modified or amended by the agency at any time and shall not prohibit the agency from requiring additional licenses as deemed necessary for the applicant.*

Subd. 5. [RULES OF PROCEDURE.] *The bureau shall promulgate rules for the procedures to be followed in the conduct of preapplication reviews and opinions.*

Sec. 8. [362.465] [MASTER APPLICATION PROCEDURE.]

Subdivision 1. [DEVELOPMENT AND IMPLEMENTATION.] *The bureau shall develop and implement a master application procedure to expedite the identification and processing of licenses for business undertakings, projects, and activities. A master application shall be made on a form prescribed by the bureau. This form shall request concise and specific information necessary to determine those licenses which are or may be required for the undertaking, project, or activity in order to insure speedy issuance of the licenses when all necessary requirements are met.*

Subd. 2. [BUREAU ASSISTANCE IN PREPARING.] *Use of the master application procedure shall be at the option of any person proposing a business undertaking, project, or activity. Upon request, the bureau shall assist any person in preparing a master application, describe the procedures involved, and provide other information from the comprehensive license information file as may be helpful or necessary.*

Subd. 3. [RECEIPT OF APPLICATION; NOTIFICATION TO AGENCIES.] *Upon receipt of a master application the bureau shall immediately notify in writing each agency having a possible interest in the proposed business undertaking, project, or activity with respect to licenses which are or may be required.*

Subd. 4. [AGENCY RESPONSE.] *Each agency so notified shall respond to the bureau within 20 days of receipt of the notice and shall advise the bureau whether one or more licenses under its jurisdiction are or may be required for the business undertaking, project, or activity described in the master application. The response shall specify the licenses which in the opinion of the agency are or may be required, if any, and shall indicate the fees to be charged.*

Subd. 5. [CONSEQUENCES OF NEGATIVE OR NONRESPONSES.] *Any agency so notified which responds that it does not have an interest in the license requirements of the business undertaking, project, or activity described in the master application, or which does not respond within the time period specified in subdivision 4, shall not require a license for the undertaking, project, or activity described in the master application. Except that where unusual circumstances have prevented an agency from notifying the bureau, and the agency establishes that failure to require a license would result in substantial harm to the public health or welfare, the commissioner may order that the license be required.*

Subd. 6. [FAILURE TO PROVIDE ACCURATE OR PERTINENT INFORMATION.] *The provisions of subdivision 5 shall not apply if the commissioner of economic development determines that the master application contained false, misleading, or deceptive information, or failed to include pertinent information, the lack of which could reasonably lead an agency to misjudge the applicability of licenses under its jurisdiction, or if new license requirements or related standards subsequently became effective for which an agency had no discretion in establishing the effective date.*

Subd. 7. [NOTIFICATION TO APPLICANT.] *The bureau, following the 20 day notice and response period, shall promptly provide the person having submitted a master application with application forms and related information for all licenses specified by the interested agencies and shall advise the person:*

(a) That all forms are to be completed and submitted to the interested agencies; and

(b) At the option of the applicant, that the bureau will receive all forms as a package with the fees to be charged, if any, and that the bureau will immediately separate and submit the forms and any allocable fees to the appropriate agencies.

Subd. 8. [WITHDRAWAL OF APPLICATION.] *An applicant may withdraw a master application at any time without forfeiture of any license approval applied for or obtained under the master application procedures contained in this section.*

Sec. 9. [362.467] [LICENSE COORDINATION AND ASSISTANCE TO APPLICANTS.]

Subdivision 1. [AUTHORIZATION.] *Any applicant for licenses required for a business undertaking, project, or activity may confer with the bureau to*

obtain assistance in the prompt and efficient processing and review of applications.

Subd. 2. [DUTIES OF THE BUREAU.] *The bureau shall, so far as possible, render assistance; and the director may designate an officer or employee of the bureau to act as an expediter for the purpose of:*

(a) Facilitating contacts for the applicant with agencies responsible for processing and reviewing license applications;

(b) Arranging conferences to clarify the interest and requirements of any agency with respect to license applications;

(c) Considering with agencies the feasibility of consolidating hearings and data required of the applicant; and

(d) Assisting the applicant in the resolution of outstanding issues identified by agencies, including delays experienced in license review.

Sec. 10. [362.469] [CONSOLIDATED HEARINGS.]

Subdivision 1. [BUREAU MAY REQUEST.] *The bureau may request the office of administrative hearings to consolidate hearings insofar as it is feasible and agreeable to all parties.*

Subd. 2. [RULES OF PROCEDURE.] *A consolidated hearing shall be conducted in a manner consistent with Minnesota Statutes, Sections 15.0411 to 15.052, and the applicable rules of the office of administrative hearings.*

Subd. 3. [PREHEARING CONFERENCE.] *The office of administrative hearings, with the consent of the agencies having license jurisdiction, may provide for a prehearing conference to assist in the disposition of the type, time, place, and parties of the consolidated hearing, the simplification of the issues, the stipulations as to agreed facts and necessary documents, and other relevant matters.*

Sec. 11. [362.471] [LICENSE AUTHORITY RETAINED.]

Each agency having jurisdiction to approve or deny a license shall have the continuing power vested in it to make such determinations. The provisions of sections 1 to 14 shall not lessen or reduce these powers and shall modify the procedures followed in carrying out these powers only to the extent provided in sections 1 to 14.

Sec. 12. [362.473] [SERVICES PROVIDED AT NO CHARGE.]

Services rendered by the bureau shall be made available without charge. Nothing contained in this section shall relieve an applicant of any part of the fees or charges established for the review and approval of license applications or relieve an applicant of any of the apportioned costs of a consolidated hearing conducted under sections 7 and 8.

Sec. 13. [362.475] [FEDERAL AND LOCAL GOVERNMENT PARTICIPATION.]

Subdivision 1. [ENCOURAGEMENT.] *Federal and local government license agencies shall be encouraged to participate in the business license information, coordination, and assistance services of the bureau and to make information available to applicants through the bureau with respect to any*

business undertaking, project, or activity which is referred to the bureau under the provisions of sections 1 to 14.

Subd. 2. [ASSISTANCE TO FEDERAL AND LOCAL AGENCY LICENSE APPLICANTS.] *The bureau shall, so far as is practicable, advise applicants of federal and local agency license requirements and shall maintain an information file on licenses for which the state has delegated issuance authority to local government agencies.*

Subd. 3. [COORDINATION OF LICENSE REVIEW PROCEDURES.] *The director shall consult with local government officials with respect to cooperation in coordinating state and local license application and review procedures and shall recommend to the governor and the legislature any actions which would facilitate this coordination.*

Sec. 14. [362.477] [COMPILATION AND MAINTENANCE OF STATISTICAL DATA.]

The bureau shall obtain and keep on an annual basis appropriate statistical data regarding the number of licenses issued by agencies, the amount of time necessary for the licenses to be issued, the cost of obtaining the licenses, the types of projects for which specific licenses are issued, a geographic distribution of licenses issued, and other pertinent data which the director deems appropriate. The bureau shall analyze the data by type of license and by agency responsible and shall make its findings available to the public.

Sec. 15. [REPEALER.]

Minnesota Statutes 1980, Section 362.45, is repealed.

Sec. 16. [REVOLVING FUND.]

There is established a business license revolving fund. Any other law notwithstanding, every agency issuing a business license after the effective date of this act shall impose a two percent surcharge or $10, whichever is the lesser amount, for the issuance or renewal of a business license through the period ending June 30, 1982. A surcharge of one percent or $10, whichever is the lesser amount, shall be imposed beginning July 1, 1982. Proceeds from the license surcharge shall be deposited in the business license revolving fund.

Sec. 17. [APPROPRIATION.]

There is appropriated from the general fund to the bureau of business licenses the sum of $450,000 for the purpose of implementing sections 1 to 14. This appropriation is available until June 30, 1983. The complement of the department of economic development is increased by four. The funds deposited in the business license revolving fund shall be transferred to the general fund in an amount not to exceed $450,000 for the biennium ending June 30, 1983.

Sec. 18. [EFFECTIVE DATE.]

Sections 1 to 15 are effective the day following final enactment."

Amend the title as follows:

Page 1, line 7, before the period, insert "; repealing Minnesota Statutes 1980, Section 362.45"

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 Public Employees and Pensions, to which was referred

S. F. No. 447: A bill for an act relating to retirement; providing for an increase in the amount of employer contributions to the teachers retirement association and to the teachers retirement fund associations in cities of the first class; amending Minnesota Statutes 1980, Sections 354.42, Subdivision 5; and 354A.12, Subdivision 2.

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 1980, Section 354.42, Subdivision 5, is amended to read:

Subd. 5. [EMPLOYER ADDITIONAL CONTRIBUTION.] An additional employer contribution shall be made in the *manner provided in section 354.43 in an* amount ~~of 3.05 percent~~ *equal to the following percentage* of the salary of each member for the purpose of *paying the interest on or* amortizing the ~~deficit in~~ *unfunded accrued liability of* the fund~~. This contribution shall be made in the manner provided in section 354.43.~~:

from July 1, 1980 through June 30, 1981	*3.05 percent*
from July 1, 1981 through June 30, 1982	*3.50 percent*
from July 1, 1982 through June 30, 1983	*3.95 percent*
from July 1, 1983 through June 30, 1984	*4.40 percent*
from July 1, 1984 through June 30, 1985	*4.85 percent*
from July 1, 1985 through June 30, 1986	*5.30 percent*
from July 1, 1986 through June 30, 1987	*5.75 percent*
from July 1, 1987 through June 30, 1988	*6.20 percent*
from July 1, 1988 through June 30, 1989	*6.65 percent*
from July 1, 1989 through June 30, 1990	*7.10 percent*
from July 1, 1990 through June 30, 1991	*7.55 percent*
from July 1, 1991 and thereafter	*7.76 percent*

Sec. 2. Minnesota Statutes 1980, Section 354A.12, Subdivision 2, is amended to read:

Subd. 2. [EMPLOYER CONTRIBUTIONS.] Notwithstanding any law to the contrary, levies for teachers retirement fund associations in cities of the first class, including levies for any employer social security taxes for teachers covered by the Duluth teachers retirement fund association or the Minneapolis teachers retirement fund association or the St. Paul teachers retirement fund association, are disallowed and the state shall assume the total employer obligation.

The state shall make the following employer contributions to teachers retirement fund associations:

(a) For any coordinated member of a teachers retirement fund association in a city of the first class, the state shall pay the employer social security taxes in accordance with section 355.46, subdivision 3, clause (b);

(b) For any coordinated member of one of the following teachers retirement

fund associations in a city of the first class, the state shall make a contribution to the respective retirement fund association in an amount equal to the designated percentage of the salary of the coordinated member as provided below:

Duluth teachers retirement fund association	
from July 1, 1980 through June 30, 1981	5.79 percent
from July 1, 1981 through June 30, 1982	*5.86 percent*
from July 1, 1982 through June 30, 1983	*5.93 percent*
from July 1, 1983 through June 30, 1984	*6.00 percent*
from July 1, 1984 through June 30, 1985	*6.07 percent*
from July 1, 1985 through June 30, 1986	*6.14 percent*
from July 1, 1986 through June 30, 1987	*6.21 percent*
from July 1, 1987 through June 30, 1988	*6.28 percent*
from July 1, 1988 through June 30, 1989	*6.35 percent*
from July 1, 1989 through June 30, 1990	*6.42 percent*
from July 1, 1990 through June 30, 1991	*6.49 percent*
from July 1, 1991 and thereafter	*6.55 percent*
Minneapolis teachers retirement fund association	4.50 percent
St. Paul teachers retirement fund association	
from July 1, 1980 through June 30, 1981	4.50 percent
from July 1, 1981 through June 30, 1982	*4.542 percent*
from July 1, 1982 through June 30, 1983	*4.584 percent*
from July 1, 1983 through June 30, 1984	*4.626 percent*
from July 1, 1984 through June 30, 1985	*4.668 percent*
from July 1, 1985 through June 30, 1986	*4.700 percent*
from July 1, 1986 through June 30, 1987	*4.742 percent*
from July 1, 1987 through June 30, 1988	*4.784 percent*
from July 1, 1988 through June 30, 1989	*4.826 percent*
from July 1, 1989 through June 30, 1990	*4.868 percent*
from July 1, 1990 through June 30, 1991	*4.900 percent*
from July 1, 1991 and thereafter	*4.9428 percent*

(c) For any basic member of one of the following teachers retirement fund associations in a city of the first class, the state shall make a contribution to the respective retirement fund in an amount equal to the designated percentage of the salary of the basic member as provided below:

Minneapolis teachers retirement fund association	
from July 1, 1980 through June 30, 1981	13.35 percent
from July 1, 1981 through June 30, 1982	*14.67 percent*
from July 1, 1982 through June 30, 1983	*15.99 percent*
from July 1, 1983 through June 30, 1984	*17.31 percent*
from July 1, 1984 through June 30, 1985	*18.63 percent*
from July 1, 1985 through June 30, 1986	*19.95 percent*
from July 1, 1986 through June 30, 1987	*21.27 percent*
from July 1, 1987 through June 30, 1988	*22.59 percent*
from July 1, 1988 through June 30, 1989	*23.91 percent*
from July 1, 1989 through June 30, 1990	*25.23 percent*
from July 1, 1990 through June 30, 1991	*26.55 percent*

from July 1, 1991 and thereafter	*27.25 percent*
St. Paul teachers retirement fund association	
from July 1, 1980 through June 30, 1981	12.63 percent
from July 1, 1981 through June 30, 1982	*13.40 percent*
from July 1, 1982 through June 30, 1983	*14.17 percent*
from July 1, 1983 through June 30, 1984	*14.94 percent*
from July 1, 1984 through June 30, 1985	*15.71 percent*
from July 1, 1985 through June 30, 1986	*16.48 percent*
from July 1, 1986 through June 30, 1987	*17.25 percent*
from July 1, 1987 through June 30, 1988	*18.02 percent*
from July 1, 1988 through June 30, 1989	*18.79 percent*
from July 1, 1989 through June 30, 1990	*19.58 percent*
from July 1, 1990 through June 30, 1991	*20.33 percent*
from July 1, 1991 and thereafter	*20.77 percent*

The state employer contributions shall be remitted directly to each teachers retirement fund association each month in accordance with the procedures described in section 354.43, subdivisions 1 and 5.

Once each month the executive secretary of each teachers retirement fund association shall determine the amount of money necessary and presently needed to meet the state obligation as provided in this subdivision by applying the percentage of payroll figure to the estimated payroll amounts for the current month and shall certify the amount to the commissioner of finance. The moneys required to meet the amounts certified by each executive secretary of a teachers retirement fund association shall be remitted directly to the applicable teachers retirement fund association from the general fund each month. If subsequent actual experience deviates from the anticipated experience upon which the amount certified was determined, the allocation to the first class city teachers retirement fund association involved next following the discovery of the deviation shall be adjusted. If the state makes an excess employer contribution to a teachers retirement fund association as the result of a false or wrongful certification, the state shall be entitled to recover the excess employer contribution by any appropriate means, including recovery from future state allocations, state aid or other funds payable to the school district in which the association is located. If an employee of that school district is responsible for the false or wrongful certification, any excess employer contribution recovered by the state shall be the obligation of the school district.

From the employer contribution received from the state, the teachers retirement fund association shall subtract and shall pay to the state teachers retirement association an amount equal to the applicable percentage of payroll employer contribution rate applied to that portion of estimated payroll amounts which are paid from sources other than normal school operating funds as certified to the commissioner of finance pursuant to subdivision 3.

Sec. 3. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

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 Public Employees and Pensions, to which

was referred

S. F. No. 983: A bill for an act relating to retirement; making various administrative changes in the teachers retirement law; authorizing a medical advisor; payment of shortages in member deductions; amending Minnesota Statutes 1980, Sections 354.091; 354.092; 354.44, Subdivisions 4 and 8; 354.48, Subdivisions 2, 4, and by adding a subdivision; 354.51, Subdivision 5; 354.52, Subdivision 4; and 354.62, Subdivisions 4 and 5.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 11, insert:

"Section 1. Minnesota Statutes 1980, Section 354.06, Subdivision 2, is amended to read:

Subd. 2. The board shall annually elect one of its members as president. It shall elect an executive director, and fix his salary *and the salary of the assistant executive director in the unclassified service*. The executive director shall serve during the pleasure of the board and be the executive officer of the board, with such duties as the board shall prescribe. The board shall employ all other clerks and employees necessary to properly administer the fund. The cost and expense of administering the provisions of this chapter shall be paid by the fund. The executive director shall be appointed by the board on the basis of fitness, experience in the retirement field and leadership ability. The executive director shall have had at least five years of experience on the administrative staff of a major retirement system.

Sec. 2. Minnesota Statutes 1980, Section 354.06, Subdivision 2a, is amended to read:

Subd. 2a. The management of the association is vested in the executive director who shall be the executive and administrative head of the association. He shall act as advisor to the board on all matters pertaining to the association. He shall also act as the secretary of the board. It is the duty of the executive director and he has the power to:

(1) Attend all meetings of the board;

(2) Prepare and recommend to the board rules for the purpose of carrying out the provisions of this chapter;

(3) Establish and maintain an adequate system of records and accounts following recognized accounting principles and controls;

(4) Designate an assistant *executive* director *in the unclassified service and two assistant executive directors in the classified service* with the approval of the board, and appoint such employees, both permanent and temporary, as are necessary to carry out the provisions of said chapter;

(5) Organize the work of the association as he deems necessary to fulfill the functions of the association, and define the duties of its employees and delegate to them any of his powers or duties, subject to his control and under such conditions as he may prescribe;

(6) With the approval of the board, contract for actuarial services, professional management services, and consulting services as may be necessary and

fix the compensation therefor. Such contracts shall not be subject to the competitive bidding procedure prescribed by chapter 16. Professional management services may not be contracted for more often than once in every six years. Copies of all professional management survey reports shall be sent directly to the legislature and the legislative auditor at the same time reports are furnished the board. Only management firms experienced in conducting management surveys of federal, state or local public retirement systems shall be qualified to contract with the director hereunder;

(7) With the approval of the board provide inservice training for all employees of the association;

(8) Make refunds of accumulated contributions to former members and to the designated beneficiary, surviving spouse, legal representative or next of kin of deceased members or deceased former members, all as provided in this chapter;

(9) Determine the amount of the annuities and disability benefits of members covered by the association and authorize payment thereof beginning as of the dates such annuities and benefits begin to accrue, all in accordance with the provisions of said chapter;

(10) Pay annuities, refundments, survivor benefits, salaries and all necessary operating expenses of the association;

(11) Prepare and submit to the board and the legislature an annual report covering the operation of the association, as required by chapter 356;

(12) Certify funds available for investment to the state board of investment;

(13) With the advice and approval of the board request the state board of investment to sell securities when he determines that funds are needed for the purposes of the association;

(14) Prepare and submit biennial and annual budgets to the board and with the approval of the board submit such budgets to the department of administration; and

(15) With the approval of the board, perform such other duties as may be required for the administration of the association and the other provisions of this chapter and for the transaction of its business."

Page 2, line 2, delete "*under*" and insert "*pursuant to*"

Page 2, line 13, strike "must" and insert "*shall*"

Page 2, line 19, strike "must" and insert "*shall*"

Page 2, line 24, strike "his" and insert "*the*"

Page 2, line 25, after "credit" insert "*of the member*"

Page 2, after line 29, insert:

"Sec. 5. Minnesota Statutes 1980, Section 354.41, is amended by adding a subdivision to read:

Subd. 9. Any member who has been granted a leave of absence to serve as an elected officer of a professional teachers organization shall be entitled to acquire allowable service credit for the period of leave. To acquire the allow-

able service credit, the member shall make any required employee contributions currently during the period of the leave, which shall be based upon the contract salary for which the member would have been eligible if the member had not been granted the leave of absence and shall be consistent with the contract in force for the year occurring immediately prior to the commencement of the leave of absence. Any shortage which occurs in the amount of required employee contributions for any year may be paid directly to the fund with interest at the rate of six percent per annum compounded annually on or prior to the last day of the fiscal year next following the occurrence of the shortage.''

Page 2, line 34, strike ''he'' and insert ''*the member*''

Page 4, line 1, after ''date'' insert ''*on which*''

Page 4, line 6, strike ''said'' and insert ''*the*''

Page 4, line 22, strike ''such'' and insert ''*any*''

Page 4, line 24, strike ''him'' and insert ''*the member*''

Page 4, line 27, strike ''him'' and insert ''*the member*''

Page 4, line 32, delete ''*he*'' and insert ''*the commissioner*''

Page 4, line 36, delete ''*such*'' and insert ''*those*''

Page 5, line 4, delete ''*said*''

Page 5, line 5, delete ''*his*''

Page 5, line 6, delete ''*to him*''

Page 5, line 34, after the period, insert ''*If the shortage payment is not paid by the employing unit within 60 days of notification, the executive director shall certify the amount of the shortage payment to the applicable county auditor, who shall spread a levy in the amount of the shortage payment over the taxable property of the taxing district of the employing unit if the employing unit is supported by property taxes, or to the commissioner of finance, who shall deduct the amount from any state aid or appropriation amount applicable to the employing unit if the employing unit is not supported by property taxes.*''

Page 6, line 6, strike ''such'' and insert ''*the*''

Page 6, line 16, strike ''him'' and insert ''*the state treasurer*''

Page 6, line 18, strike ''upon him''

Page 7, line 13, strike the first ''such'' and insert ''*the*'' and strike ''such date'' and insert ''*the end of the previous fiscal year*''

Page 7, line 27, strike ''said'' and insert ''*the*''

Page 7, line 31, strike ''will'' and insert ''*shall*''

Page 7, line 34, strike the first ''such'' and insert ''*the*'' and strike ''such date'' and insert ''*the end of the previous fiscal year*''

Page 7, line 35, strike ''his'' and insert ''*the*''

Page 8, line 11, strike ''*such*'' and insert ''*the*''

Page 8, line 12, strike ''such date'' and insert ''*the end of the previous fiscal*

year''

Page 8, line 21, strike ''he'' and insert ''*the member*''

Page 8, line 24, strike ''will'' and insert ''*shall*''

Page 8, line 30, strike ''will'' and insert ''*shall*''

Page 8, line 33, strike ''shall''

Page 8, line 35, strike ''his'' and insert ''*the*'' and after ''accumulation'' insert ''*of the member*''

Page 9, line 5, strike ''Such'' and insert ''*The*''

Page 9, line 6, strike ''board of trustees'' and insert '' *executive secretary*''

Page 9, after line 6, insert:

''Sec. 15. [EFFECTIVE DATE.]

This act is effective on the day following final enactment.''

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after ''Sections'' insert ''354.06, Subdivisions 2 and 2a;''

Page 1, line 6, after ''354.092;'' insert ''354.41, by adding a subdivision;''

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Public Employees and Pensions, to which was referred

S. F. No. 779: A bill for an act relating to retirement; St. Paul teachers retirement fund association; removing an expiration date on authority to provide post retirement increases in certain instances; authorizing reduced early retirement in certain instances; amending Laws 1979, Chapter 109, Section 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 17, delete ''*may be amended*''

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Public Employees and Pensions, to which was referred

S. F. No. 712: A bill for an act relating to retirement; city of St. Paul public housing agency; transferring retirement coverage for certain public employees; amending Laws 1977, Chapter 228, Section 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 36, after ''*by*'' insert '', *and the amount of any employer and employer additional contributions to the public employees retirement association pursuant to Minnesota Statutes, Section 353.27, Subdivisions 3 and 3a, made on behalf of,*''

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Public Employees and Pensions, to which was referred

S. F. No. 981: A bill for an act relating to retirement; Minneapolis teachers retirement fund association; authorizing the establishment of a lump sum post retirement adjustment program; authorizing service credit for parental leaves.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, line 12, delete "*, employer*" and delete "*additional*"

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. 440: A bill for an act establishing the North Koochiching county waste water treatment board; prescribing its duties and powers; providing for the treatment and disposal of waste water in described areas.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 and 2, delete section 1

Page 6, line 11, after "*chairman*" insert "*from among its members*"

Page 6, line 13, after "*present,*" insert "*and*"

Page 7, line 27, delete "*18*" and insert "*17*"

Page 7, line 30, before "*All*" insert "*The executive director and*"

Page 7, line 31, delete "*and*"

Page 7, line 33, delete "*. The board may*"

Page 7, line 34, delete "*elect to have them become*" and insert "*, and shall be*"

Page 7, line 34, delete "*either*"

Page 7, line 35, delete "*or the Minnesota state retirement*"

Page 7, line 36, delete "*system*"

Page 10, line 24, after "*better*" insert a comma

Page 11, line 22, after "*made*" insert "*and regulate the flows in the connections*"

Page 11, after line 22, insert:

"*(c) Regulate or prohibit illegal or unnecessary discharges of clear water not entering the system at the time of enactment of this act;*

(d) Require any person or local government unit to take any action necessary to comply with any applicable federal and state laws, regulations or rules;"

Page 11, line 23, delete "*(c)*" and insert "*(e)*"

Page 11, line 25, after "*it*" insert "*and to monitor the discharge*"

Page 11, line 26, delete "*(d)*" and insert "*(f)*"

Page 11, line 28, after "*harmful*" insert "*to the environment, or*"

Page 11, line 29, delete "*(e)*" and insert "*(g)*"

Page 12, delete line 3, and insert "*to regulations governing state or federal grants.*"

Page 12, line 19, delete "*13*" and insert "*12*"

Page 13, line 9, after "*year*" insert ", *less any costs to be allocated to industries pursuant to subdivision 3,*"

Page 13, line 15, after "*each*" insert ", *less any industrial wastes for which costs have been allocated under subdivision 3,*"

Page 13, after line 25, insert:

"*Subd. 3.* [ALLOCATION TO INDUSTRIES.] *Pursuant to federal and state statutes, regulations and rules, the board shall define industrial wastes, impose requirements on industries, and determine the costs allocable to all industrial wastes and to each industry. An industry is any person commencing discharge of industrial wastes directly or indirectly to the district disposal system after the date of enactment of this section. No industry shall discharge industrial wastes directly or indirectly to the district disposal system except as authorized by a contract between such industry and the board. The contract shall require the industry to pay allocated costs, to comply with requirements imposed by the board, and to perform such other acts as the board determines necessary. The board shall charge to each industry its allocable portion of the costs enumerated in subdivision 1 according to the characteristics of its waste, and the providing of the capacity to treat said wastes.*

Subd. 4. [NONPAYMENT BY INDUSTRY; REMEDIES.] *If an industry fails to pay to the board the industry's allocated costs, as determined pursuant to subdivision 3 and the contract between the industry and the board, the board may utilize any remedy provided by law, and in addition may certify to the auditor of the county in which the industry is located the amount required for payment with interest at the maximum rate authorized at that time on assessments pursuant to Minnesota Statutes, Section 429.061, Subdivision 2. The auditor shall levy and extend the amount as a tax upon all taxable property owned by the industry located in the district, for the next calendar year, free from any limitation imposed by law or charter. The tax shall be collected in the same manner as other property taxes. The proceeds, when collected, shall be paid by the county treasurer to the board.*"

Page 13, line 29, delete "*9*" and insert "*8*"

Page 14, after line 17, insert:

"*Subd. 4.* [TAX CONSIDERED SPECIAL LEVY.] *Any ad valorem taxes levied under subdivision 3 by the governing body of a government unit to pay any sums charged to it by the board under this act shall be considered special levies within the meaning of Minnesota Statutes, Section 275.50, Subdivision 5.*"

Page 14, line 18, delete "*4*" and insert "*5*"

Page 14, line 36, delete "*9*" and insert "*8*"

Page 15, line 18, delete "*5*" and insert "*4*"

Page 15, line 20, delete the comma and insert "*if*"

Page 15, line 21, delete "*which*" and insert "*the project*"

Page 18, line 34, delete "*9*" and insert "*8*"

Page 20, line 16, delete "*12, subdivision 2*" and insert " *9, subdivision 4, or other provisions of this act*"

Page 21, line 27, delete "*section 10*" and insert "*sections 8 and 9*"

Page 22, line 11, delete "*13*" and insert "*12*"

Page 22, line 12, delete "*sections 10 and 12*" and insert " *section 9*"

Page 22, line 21, after the period, insert "*The deposit is subject to the provisions of Minnesota Statutes, Sections 118.005, Subdivision 2; and 118.01.*"

Page 22, line 25, delete everything after the period

Page 22, delete lines 26 to 29

Page 23, after line 26, insert:

"*Subd. 6.* [AUTHORITY OF STATE AUDITOR.] *The state auditor shall have the same powers and duties with respect to the board as the auditor has with respect to any city under Minnesota Statutes, Chapter 6.*"

Page 25, line 3, delete ". *It*" and insert a semicolon

Page 25, line 5, before the period, insert "*; and may provide at the request of any government unit other technical and administrative assistance the board deems appropriate for the government unit to carry out the powers and duties vested in it under this act or imposed on it by the board*"

Page 27, line 27, after the period, insert "*With regard to a facility for which it assumes responsibility from a local government unit, the board shall also have all the powers and duties of the local government unit.*"

Page 28, delete lines 18 to 20 and insert "*assume either alone or jointly with the board all or any part of the responsibility of the local government unit described in subdivisions 1, 2 or 3 and may exercise the powers granted any municipality by Minnesota Statutes, Chapters 117, 412, 429 or 475, or by Sections 115.46, 444.075 or 471.59, in order to perform all acts and things required for the purpose of exercising that responsibility,*"

Page 29, line 7, delete "*9*" and insert "*8*"

Page 30, line 10, delete "*10*" and insert "*9*"

Page 30, line 15, delete "*9*" and insert "*8*"

Page 31, after line 10, insert:

"Sec. 24. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Renumber the sections in sequence

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 1040: A bill for an act relating to the environment; clarifying terms and duties in the waste management act; extending time limits for site selections and reports; providing that certain appropriations shall remain available until expended; amending Minnesota Statutes 1980, Sections 115A.03, Subdivisions 15 and 29; 115A.06, Subdivision 4, and by adding a subdivision; 115A.08, Subdivisions 4, 5 and 6; 115A.09; 115A.11, Subdivision 1; 115A.19; 115A.20; 115A.21, Subdivisions 1 and 2; 115A.22, Subdivisions 3 and 4; 115A.23; 115A.24; 115A.26; 115A.28, Subdivision 2; 115A.33; 115A.37, Subdivision 2; 115A.54, Subdivision 3; 116.07, Subdivisions 2 and 4; 116.41, Subdivision 2; 400.161; 473.149, Subdivisions 2c and 2e; 473.153, Subdivisions 1, 2 and 6; 473.803, Subdivision 1a; 473.811, Subdivision 5b; and 473.833, Subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 5, delete "*of*" and insert "*the proposing entity submits the site for*"

Page 2, after line 13, insert:

"Sec. 3. Minnesota Statutes 1980, Section 115A.05, Subdivision 3, is amended to read:

Subd. 3. [TEMPORARY MEMBERS.] For the purposes of each project review conducted by the board under sections 115A.18 to 115A.30 and 115A.32 to 115A.39 and for the purpose of preparing and adopting the hazardous waste management plan under section 115A.11 and making decisions on the elements of the certification of need for disposal required under sections 115A.18 to 115A.30, six local representatives shall be added to the board as temporary voting members, as provided in sections 115A.22, subdivision 4, and 115A.34. The provisions of section ~~15.075~~ *15.0575, subdivisions 3 and 4* relating to compensation, removal, and vacancy shall apply to temporary members except that the rate of compensation shall be $50 per day spent on board activities *and any appointment by the governor to fill a vacancy shall take effect in the same manner as an original appointment* ."

Page 2, line 24, delete "*including*" and insert "*and*"

Page 3, line 27, strike "sites and buffer" and insert " *preferred*"

Page 6, line 36, strike "November" and insert "*January*"

Page 7, line 1, strike "1981" and insert "*1982*"

Page 7, line 30, strike "June" and insert "*August*"

Page 7, line 32, after "commission" insert "*or metropolitan council*"

Page 7, line 33, strike "Any"

Page 7, lines 34 to 36, strike the existing language and delete the new language

Page 8, lines 1 and 2, strike the existing language and delete the new language

Page 8, line 3, strike "and" and insert "*The publications and mailing shall include notice of hearings on the board's proposal. The hearings*"

Page 8, line 9, before the period, insert "*and any local government unit in which an area is proposed for inclusion in the inventory may propose an alternative site or sites within that local unit*"

Page 8, line 9, after the period insert "*The hearing shall afford all interested persons an opportunity to testify and present evidence on the subject of the hearing. The subject of the hearing shall be limited to information submitted by the board and additional information on the proposed area or alternative areas which is relevant to the board's decision on the areas to be included in the inventory. The contested case procedures of chapter 15 shall not apply to this hearing.*"

Page 8, line 10, after the period insert "*The report of the hearing examiner shall contain findings of fact, conclusions, and recommendations on the subject of the hearing.*"

Page 9, line 24, delete "*the administrative procedure act*" and insert "*chapter 15 on criteria and standards*"

Page 11, line 29, delete "*all*"

Page 11, line 36, after "*board*" insert "*through its chairperson*"

Page 12, line 1, delete everything after "*of*"

Page 12, line 2, delete everything before the period and insert "*hearings on the board's proposal and the director's recommendation*"

Page 12, line 11, after "conducted" insert "*by the state office of administrative hearings*"

Page 12, line 13, after the period insert: "*The hearings shall afford all interested persons an opportunity to testify and present evidence on the subject of the hearing. The subject of the hearing shall be limited to information submitted by the board and additional information on the proposed sites which is relevant to the board's decision on candidate sites and the agency's decision on intrinsic suitability. The contested case procedures of chapter 15 shall not apply to these hearings.*"

Page 12, line 14, reinstate the stricken language and after the period, insert "*The report of the hearing examiner shall contain findings of fact, conclusions, and recommendations on the subject of the hearing.*"

Page 12, line 16, delete "*the*" and insert "*each*"

Page 12, line 16, delete "*sites*" and insert "*site*"

Page 12, line 16, delete "*them*" and insert "*the sites*"

Page 13, line 6, after the period, insert "*Temporary board members shall serve for terms lasting until the board has taken final action pursuant to section 115A.28 and, in the case of members representing the site or sites finally chosen for the facility, until the commencement of the operation of the facility at that site.*"

Page 15, line 7, before "*the*" insert "*a facility established pursuant to*"

Page 15, line 27, correct the spelling of "seuage"

Page 16, line 6, delete "*to operate a solid waste*"

Page 16, lines 7 to 9, delete the new language and insert "*for a disposal facility for the nonhazardous sludge, ash, or other solid waste generated by a permitted hazardous waste processing facility operated by the person*"

Page 16, after line 20, insert:

"Sec. 22. Minnesota Statutes 1980, Section 115A.34, is amended to read:

115A.34 [APPOINTMENT OF TEMPORARY BOARD MEMBERS.]

Within 45 days of the submission of a request determined by the board to satisfy the requirements for review under sections 115A.32 to 115A.39, temporary board members shall be added to the board for the purpose of the supplementary review. Three members shall be selected by the governing body of the city or town in which the chairperson of the waste management board determines the facility would be principally located, and three members shall be selected by the governing body of the county in which the chairperson of the waste management board determines the proposed facility would be principally located. If the proposed facility is located in unorganized territory, all six members shall be selected by the governing board of the county. Temporary members shall be residents of the county in which the proposed facility would be located and shall be selected to represent broadly the local interests that would be directly affected by the proposed facility. At least one member appointed by the city or town shall live within one mile of the proposed facility, and at least one member appointed by the county shall be a resident of a city or town in which the proposed facility would be located. *If the appointing authority fails to appoint temporary board members in the period allowed, the governor shall appoint the temporary members to represent the local interests in accordance with this section.* Temporary board members shall serve for terms lasting until the board has taken final action on the facility."

Page 16, line 27, delete "*decision*" and insert "*facility*"

Page 23, line 18, delete "*are*" and insert "*shall*"

Page 23, line 18, after "*not*" insert "*be*"

Page 24, line 8, after "*shall*" insert "*embody and*"

Page 24, line 9, after the period insert "*Counties shall submit adopted ordinances to the agency for review.*"

Page 24, line 10, delete "*within 120 days*"

Page 24, line 10, after "*and*" insert "*shall*"

Page 24, line 11, delete "*resubmit them*" and insert "*submit the modification*"

Page 24, line 11, after "*review*" insert "*within 120 days*"

Page 24, after line 23, insert:

"Sec. 29. Minnesota Statutes 1980, Section 473.149, Subdivision 2b, is amended to read:

Subd. 2b. [INVENTORY OF SOLID WASTE DISPOSAL SITES.] By ~~October 1, 1981~~ *January 1, 1982*, the council shall adopt by resolution an inventory of eligible solid waste disposal sites and buffer areas within the metropolitan area. The council's inventory shall be composed of the sites and buffer areas proposed by the counties and reviewed and approved by the council pursuant to section 473.803, subdivision 1a. If a county does not have an approved inventory, the council shall adopt the required inventory for the county, following investigations by the council and public hearings as the council deems appropriate. The council's inventory shall satisfy all requirements and standards described in section 473.803, subdivision 1a, for sites and buffer areas proposed by counties. For sites and buffer areas included in the council's inventory, the moratorium imposed under section 473.803, subdivision 1a, shall extend until October 1, 1983."

Page 25, line 30, delete "*facility*"

Page 25, line 31, delete "*of*" and insert "*for*"

Page 25, after line 32, insert:

"Sec. 32. Minnesota Statutes 1980, Section 473.149, is amended by adding a subdivision to read:

Subd. 4a. [RIGHT OF ACCESS.] *Whenever the council deems it necessary to the evaluation of a disposal site or buffer area under chapter 473, the council, or any member, employee, or agent thereof when authorized by it, may enter upon any public or private property for the purpose of obtaining information or conducting surveys or investigations if the entrance and activity are undertaken after reasonable notice and during normal business hours. The council shall compensate for any damage to the property caused by the entrance and activity.*"

Page 26, line 12, strike "1" and insert "*15*"

Page 26, line 31, delete "*The council shall submit a*"

Page 26, delete lines 32 to 36

Page 27, line 1, delete "*the administrative procedure act*" and insert:

"*The council shall provide to the agency data relating to the intrinsic suitability of the sites to be proposed as candidate sites as soon as available but no later than August 15, 1981. By September 1, 1981, the council shall propose at least six locations as candidate sites and the director of the agency shall issue a notice indicating which of those sites the director recommends be certified as intrinsically suitable. The director shall publish notice of a consolidated hearing on the director's recommendation. Notice shall be published in the state register and newspapers of general circulation in the metropolitan area and shall be sent by mail to local government units containing a proposed candidate site. The hearing shall be conducted by the state office of administrative hearings in a manner consistent with the completion of the proceedings and the hearing examiner's report to the agency in the time allowed by this section. The hearing shall afford all interested persons an opportunity to testify and present evidence on the subject of the hearing. The subject of the hearing shall be limited to information submitted by the council and additional information on the proposed sites which is relevant to the agency's decision on intrinsic suitability. The contested case procedures of chapter 15 shall not*

apply to this hearing. The report of the hearing examiner shall contain findings of fact, conclusions, and recommendations on the subject of the hearing. The agency shall make a final determination as to the intrinsic suitability of each proposed site and shall certify them accordingly by November 1, 1981. The agency shall not be required to promulgate rules pursuant to chapter 15 on criteria and standards to govern its certification of intrinsic suitability under this section. No action of the agency shall be held invalid by reason of the agency's failure to notify any of the entities listed in this subdivision''

Page 27, after line 18, insert:

''Sec. 35. Minnesota Statutes 1980, Section 473.801, is amended by adding a subdivision to read:

Subd. 4. Unless otherwise provided, the definitions in section 115A.03 shall apply to sections 473.801 to 473.823.''

Page 27, line 22, delete ''*September*'' and strike ''1'' and insert ''*October 15*''

Page 28, line 5, strike ''approved'' and insert ''*adopted*''

Page 28, line 5, after ''by'' insert ''*a county or*''

Page 28, line 5, after ''council'' insert ''*as part of an inventory*''

Page 28, lines 13 to 19, delete the new language and insert ''*Each county shall provide to the agency data relating to the intrinsic suitability of the sites to be proposed for the inventory as soon as available but no later than June 15, 1981. By July 1, 1981 each county shall propose at least the number of sites required for the inventory, and the director of the agency shall issue a notice indicating which of those sites the director recommends be certified as intrinsically suitable. Notice of hearings on the director's recommendation shall be published in the state register and newspapers of general circulation in the metropolitan area and shall be sent by mail to the metropolitan council and local government units containing a proposed inventory site. A hearing shall be held by the state office of administrative hearings in each metropolitan county and shall be conducted in a manner consistent with the completion of the proceedings and the hearing examiner's report to the agency in the time allowed by this section. The hearing shall afford all interested persons an opportunity to testify and present evidence on the subject of the hearing. The subject of the hearing shall be limited to information submitted by the county and additional information on the proposed sites which is relevant to the agency's decision on intrinsic suitability. The contested case procedures of chapter 15 shall not apply to this hearing. The report of the hearing examiner shall contain findings of fact, conclusions, and recommendations on the subject of the hearing. The agency shall make a final determination as to the intrinsic suitability of each proposed site and shall certify them accordingly by October 1, 1981. The agency shall not be required to promulgate rules pursuant to chapter 15 on criteria and standards to govern its certification of intrinsic suitability under this section. No action of the agency shall be held invalid by reason of the agency's failure to notify any of the entities listed in this subdivision.*''

Page 29, after line 8, insert:

''Sec. 37. Minnesota Statutes 1980, Section 473.811, Subdivision 2, is

amended to read:

Subd. 2. [COUNTY FINANCING OF FACILITIES.] Each metropolitan county may by resolution authorize the issuance of bonds to provide funds for the acquisition or betterment of solid waste facilities, *related transmission facilities,* or property or property rights for ~~a solid waste facility~~ *the facilities,* or for refunding any outstanding bonds issued for any such purpose, and may pledge to the payment of the bonds and the interest thereon, its full faith, credit and taxing powers, or the proceeds of any designated tax levies, or the gross or net revenues or charges to be derived from any facility operated by or for the county, or any combination thereof. Taxes levied for the payment of the bonds and interest shall not reduce the amounts of other taxes which the county is authorized by law to levy. *The proceeds of the bonds may be used in part to establish a reserve as further security for the payment of the principal and interest of the bonds when due. Revenue bonds issued pursuant to this section may be sold at public or private sale upon such conditions as the county board shall determine. Any bonds to which the full faith, credit and taxing powers of the county are pledged shall be sold in accordance with the provisions of chapter 475.* No election shall be required to authorize the issuance of the bonds. Except as otherwise provided, the bonds shall be issued and sold in accordance with the provisions of chapter 475.

Sec. 38. Minnesota Statutes 1980, Section 473.811, is amended by adding a subdivision to read:

Subd. 2a. [COUNTY SOLID WASTE INDUSTRIAL DEVELOPMENT REVENUE BONDS.] *A metropolitan county may issue revenue bonds to finance solid waste and related facilities projects located inside or outside the boundaries of cities or towns described in section 368.01 under and pursuant to the provisions of chapter 474.*

Sec. 39. Minnesota Statutes 1980, Section 473.811, Subdivision 3, is amended to read:

Subd. 3. [COUNTY OPERATION OF FACILITIES.] Each metropolitan county may operate and maintain solid waste facilities, and for this purpose may employ all necessary personnel, may adopt regulations governing operation, and may establish and collect reasonable, non-discriminatory rates and charges for the use of the facilities by any local government unit or person, estimated to be sufficient, with any other moneys appropriated for the purpose, to pay all costs of acquisition, operation and maintenance. Each metropolitan county may use itself or sell all or any part of materials or energy recovered from solid waste to private interests or public agencies for consumption or reuse by them. Section 471.345 and Laws 1951, Chapter 556, as amended shall not apply to the sale of the materials or energy ~~provided that the dealings of each county shall be on a competitive basis so as not to create an unfair or unreasonable advantage or restraint of trade on the part of the county~~.

Sec. 40. Minnesota Statutes 1980, Section 473.811, Subdivision 4, is amended to read:

Subd. 4. [COUNTY CONTRACTS.] Each metropolitan county may contract for the *acquisition or* use of existing public or private solid waste facilities *or any facilities deemed necessary or useful for resource recovery from solid waste* and may contract with any person for the operation ~~and~~ *or* maintenance,

or both, of any solid waste facility owned by the county. The contract shall provide for the operation ~~and~~ *or* maintenance, *or both*, of the facility in accordance with any regulations, criteria, and standards of the agency, the metropolitan council and the county relating thereto. *Any contract for the operation or maintenance of a solid waste facility may provide for the sale of solid waste, materials, electric energy, steam or other product to the operator or for a fee payable to the operator, which may be a fixed fee, or a fee based on tonnage or a percentge of income or other measure, or any combination thereof. A metropolitan county shall have power to warrant to the operator of a solid waste facility or contract purchaser of any solid waste, materials, electric energy, steam or other product the quality, composition and available quantity of the solid waste, materials, electric energy, steam or other product to be sold or delivered.*

Sec. 41. Minnesota Statutes 1980, Section 473.811, is amended by adding a subdivision to read:

Subd. 4b. [CONTRACTS; NEGOTIATION.] *Notwithstanding any other law, a metropolitan county may contract for the acquisition, construction, improvement, maintenance or operation of solid waste facilities, related transmission facilities, or property or property rights for the facilities by any means available and in the manner determined by the county board, with or without advertisement for bids. A metropolitan county may select and employ a construction manager for construction and acquisition of solid waste facilities or property or property rights for solid waste facilities and negotiate and enter into a construction management agreement, which may but need not include a guaranteed maximum price. A construction manager shall give a bond to the county in accordance with section 574.26 if a construction management agreement provides for a guaranteed maximum price, provided that the amount of any bond furnished by any contractor or subcontractor for performance of and payment of labor and materials under a contract or subcontract for solid waste facilities or property or property rights for solid waste facilities included in the guaranteed maximum price may be substituted to the extent of the bond amount for the bond of the construction manager. A construction management agreement for acquisition and construction of solid waste facilities or property or property rights for solid waste facilities may be combined with a contract for maintenance or operation, or both, of such facilities and negotiated with the same person.*"

Page 29, line 21, after "*shall*" insert "*embody and*"

Page 29, line 22, after the period insert "*Counties shall submit adopted ordinances to the agency for review.*"

Page 29, line 23, delete "*within 120 days*"

Page 29, line 24, delete "*resubmit them*" and insert "*shall submit the modification*"

Page 29, line 25, after "*review*" and before the period, insert "*within 120 days*"

Page 29, after line 35, insert:

"Sec. 43. Minnesota Statutes 1980, Section 473.811, Subdivision 8, is amended to read:

Subd. 8. [COUNTY SALE OR LEASE.] Each metropolitan county may sell or lease any facilities or property or property rights previously used or acquired to accomplish the purposes specified by sections 473.149, 473.151, and 473.801 to 473.823 and sections 473.827, 473.831, 473.833, and 473.834. Such property may be sold in the manner provided by section 458.196, *or may be sold in the manner and on the terms and conditions determined by the county board* . Each metropolitan county may convey to or permit the use of any such property by a local government unit, with or without compensation, without submitting the matter to the voters of the county. No real property or property rights acquired pursuant to this section, may be disposed of in any manner unless and until the county shall have submitted to the agency and the metropolitan council for review and comment the terms on and the use for which the property will be disposed of. The agency and the council shall review and comment on the proposed disposition within 60 days after each has received the data relating thereto from the county.

Sec. 44. Minnesota Statutes 1980, Section 473.831, Subdivision 1, is amended to read:

Subdivision 1. [GENERAL OBLIGATION BONDS.] Following the adoption of the revisions to its policy plan required by section 473.149, subdivision 2e, the council may by resolution authorize the issuance of general obligation bonds of the council to provide funds for the acquisition of sites and surrounding buffer areas for development as solid waste disposal facilities pursuant to this section and section 473.833 and to provide funds for refunding obligations issued under this section. The bonds shall be sold, issued, and secured in the manner provided in chapter 475 for general obligation bonds, and the council shall have the same power and duties as a municipality and its governing body in issuing bonds under chapter 475, except as otherwise provided in this chapter. No election shall be required, and the net debt limitations in chapter 475 shall not apply. *The council shall have the power to levy ad valorem taxes for debt service of the council's solid waste bonds upon all taxable property within the metropolitan area, without limitation of rate or amount and without affecting the amount or rate of taxes which may be levied by the council for other purposes or by any local government unit in the area. Each of the county auditors shall annually assess and extend upon the tax rolls in his county the portion of the taxes levied by the council in each year which is certified to him by the council.* The principal amount of bonds issued pursuant to this section shall not exceed $15,000,000."

Page 30, after line 8, insert:

"Sec. 46. Minnesota Statutes 1980, Section 473.834, Subdivision 2, is amended to read:

Subd. 2. [ALLOCATION OF DEBT SERVICE.] The annual debt service on the council's solid waste bonds, issued under section 473.831, shall be annually apportioned *and certified* by the council to each ~~city and town~~ *county* in the metropolitan area, in the proportion that the assessed value of all taxable property within ~~such city or town~~ *each county* bears to the assessed value of the taxable property in all ~~such cities and towns, as last finally equalized before October 1 in the year in which the allocation is made~~ *the counties, except that the apportionment to each county shall first be adjusted to reflect exemptions from payment required by subdivision 1 and reductions in payment required by*

subdivision 3.''

Page 30, after line 17, insert:

''*Subd. 3. The two positions in the unclassified service created in Laws 1980, Chapter 564, Article XII, Section 1, Subdivision 6, shall not cancel when the appropriation is expended. The continuation of the positions is dependent upon the availability of money in the general services revolving fund, resource recovery account established in section 115A.15, subdivision 6.*

Sec. 48. [REPEALER.]

Minnesota Statutes 1980, Section 473.834, Subdivisions 4 and 5, are repealed.''

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon insert ''clarifying and changing waste management powers of metropolitan counties;''

Page 1, line 7, after ''29;'' insert ''115A.05, Subdivision 3;''

Page 1, line 12, after ''115A.33;'' insert ''115A.34;''

Page 1, line 15, before ''2c'' insert ''2b,''

Page 1, line 15, after ''2e'' insert '', and by adding a subdivision''

Page 1, line 16, after ''6;'' insert ''473.801, by adding a subdivision;''

Page 1, line 16, delete ''Subdivision 5b'' and insert ''Subdivisions 2, 3, 4, 5b, and 8, and by adding subdivisions''

Page 1, line 16, after ''5b;'' insert ''473.831, Subdivision 1;''

Page 1, line 17, delete ''and''

Page 1, line 17, before the period insert ''; and 473.834, Subdivision 2; repealing Minnesota Statutes 1980, Section 473.834, Subdivisions 4 and 5''

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 993: A bill for an act relating to children; authorizing counties to establish multidisciplinary child protection teams; proposing new law coded in Minnesota Statutes, Chapter 626.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, lines 10 to 18, delete subdivisions 1 and 2

Page 1, line 19, delete ''*Subd. 3.*'' and insert ''*Subdivision 1.*''

Page 2, line 3, delete ''*Minnesota Statutes,*''

Page 2, lines 6 and 7, delete ''*Minnesota Statutes,*''

Page 2, line 12, delete ''*This act*'' and insert ''*Section 1*''

Renumber the subdivisions in sequence

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 945: A bill for an act relating to public welfare; defining homestead for purposes of receiving medical assistance and aid to families with dependent children; amending Minnesota Statutes 1980, Sections 256.73, Subdivision 2; and 256B.06, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 20, delete "*the smallest parcel*"

Page 1, line 21, delete everything before the semicolon and insert "*two contiguous lots in a platted or laid out city or town or one acre in unplatted land*"

Page 3, line 8, delete "*the smallest*"

Page 3, delete line 9

Page 3, line 10, delete "*regulations*" and insert "*two contiguous lots in a platted or laid out city or town or one acre in unplatted land*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Knoll from the Committee on Governmental Operations, to which was re-referred

S. F. No. 294: A bill for an act relating to employment; providing assistance to employees who lose their jobs, affected communities and businesses which may suffer due to business closings, plant relocations, and reductions in operations; requiring advance notification to affected employees, employee organizations, municipalities, and the state of business closings, plant relocations, and reductions of operations; prescribing duties of certain departments, governmental bodies, and officers with respect to business closings, plant relocations, and reductions of operations; creating the Minnesota community, business and job preservation board; providing penalties; proposing new law coded as Minnesota Statutes, Chapter 268A.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 14, delete "*an*" and insert "*a full-time*"

Page 2, line 23, delete "*for*"

Page 2, line 24, delete "*five or more years and at which employees*" and insert "*which has employed at least 100 employees for at least six months during the preceding year, some of*"

Page 2, line 26, delete "*are employed*" and delete everything after the period

Page 2, delete line 27

Page 2, line 28, delete "*establishments.*"

Page 2, line 32, after "*each*" insert "*home rule or statutory*" and delete "*township*" and insert "*town*"

Page 3, line 15, delete everything after "*years*"

Page 3, line 16, delete everything before the period and insert "*and operates at least one other facility in the state*"

Page 3, line 17, after "*include*" insert "*the federal government,*"

Page 4, line 1, delete "*ten*" and insert "*25*"

Page 4, line 26, after "*governor*" insert "*with the advice and consent of the senate*"

Page 5, line 7, after "*governor*" insert "*with the advice and consent of the senate*"

Page 7, line 34, delete "*270*" and insert "*90*"

Page 8, line 17, delete "*90*" and insert "*45*"

Page 8, line 22, after "*order*" insert "*to implement a plan of action and*"

Page 9, lines 31 and 36, delete "*270*" and insert "*90*"

Page 10, line 9, delete "*270*" and insert "*90*"

Page 10, line 9, delete everything after "*the*"

Page 10, line 10, delete "*establishment*" and insert "*board, in cooperation with the local action committee,*"

Page 10, delete lines 23 to 25

Page 11, line 5, delete "*and shall*" and insert a period

Page 11, delete lines 6 to 18

Renumber the subdivisions in sequence

Page 12, line 14, delete everything after "*general*"

Page 12, line 15, delete "*employer*"

Page 12, line 15, after "*In*" delete "*the*" and insert "*any*"

Page 13, line 5, delete "*shall be*" and insert "*are*"

Page 13, line 5, delete "*, and*" and insert a period

Page 13, after line 10, insert:

"Sec. 13. [APPROPRIATION.]

The sum of $..... is appropriated to the commissioner of the department of economic security from the general fund for the purposes and use of the Minnesota community, business and job preservation board."

Amend the title as follows:

Page 1, line 14, after "penalties;" insert "appropriating money;"

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 Public Employees and Pensions, to which

was referred

S. F. No. 876: A bill for an act relating to state government; improving the state's personnel management and labor relations functions; proposing new law coded as Minnesota Statutes, Chapter 43A; repealing Minnesota Statutes, Chapter 43.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [43A.01] [POLICIES.]

Subdivision 1. [GENERAL.] *It is the policy of the state to maintain an efficient and effective merit based personnel management system to meet the management needs of the state and the social, economic and program needs of the people of the state. The system shall provide means to recruit, select and develop an effective, productive and responsive work force representative of the labor market according to the demands of society, equity and law, and shall include policies and procedures for employee hiring and advancement, training and career development, job classification, salary administration, employee benefits, discipline, discharge, retirement and other related activities as appropriate, taking into consideration formal and informal labor relations arrangements.*

Subd. 2. [PRECEDENCE OF MERIT PRINCIPLES AND NONDISCRIMINATION.] *It is the policy of this state to provide for equal employment opportunity consistent with chapter 363 by ensuring that all personnel actions be based on the ability to perform the duties and responsibilities assigned to the position without regard to age, race, creed or religion, color, disability, sex, national origin, marital status, status with regard to public assistance, or political affiliation. It is the policy of this state to take affirmative action to eliminate the underutilization of qualified members of protected groups in the civil service, where such action is not in conflict with other provisions of this chapter or chapter 179, in order to correct imbalances and eliminate the present effects of past discrimination.*

No contract executed pursuant to chapter 179 shall modify, waive or abridge sections 1, 7 to 13, 15, and 17 to 21, except to the extent expressly permitted in those sections.

Sec. 2. [43A.02] [DEFINITIONS.]

Subdivision 1. [INTERPRETATION.] *Unless the language or context indicates that a different meaning is intended, the following terms, for the purposes of this act, have the meanings given them in this section.*

Subd. 2. [AGENCY.] *"Agency" means a department, commission, board, institution, or other employing entity of the civil service, in which all positions are under the same appointing authority.*

Subd. 3. [ALLOCATION.] *"Allocation" means the assignment of an individual position to an appropriate class on the basis of the kind, difficulty, or responsibility of the work performed in the position.*

Subd. 4. [APPLICANT.] *"Applicant" means a person who has completed a state application for employment and has submitted it to the department of*

employee relations or other appointing authority who has been delegated authority to recruit and examine individuals for state jobs.

Subd. 5. [APPOINTING AUTHORITY.] *"Appointing authority" means a person or group of persons empowered by the constitution, statute, or executive order to employ persons in or to make appointments to positions in the civil service.*

Subd. 6. [APPOINTMENT.] *"Appointment" means the act of filling a vacancy by placement of a person in a civil service position through selection from an eligible list or a noncompetitive or qualifying process including transfer, demotion or reinstatement.*

Subd. 7. [CANDIDATE.] *"Candidate" means an applicant whose application for employment has been accepted into the examination process for a class.*

Subd. 8. [CERTIFICATION.] *"Certification" means the referral of names from an eligible list to an appointing authority to fill vacant positions in the classified service.*

Subd. 9. [CHANGE IN ALLOCATION.] *"Change in allocation" means reclassification resulting from abrupt, management-imposed changes in the duties and responsibilities of a position.*

Subd. 10. [CIVIL SERVICE.] *"Civil service" means all employees in the legislative, judicial and executive branches of state government and all positions in the classified and unclassified services as provided in sections 7 and 8.*

Subd. 11. [CLASS.] *"Class" means one or more positions sufficiently similar with respect to duties and responsibilities that the same descriptive title may be used with clarity to designate each position allocated to the class and that the same general qualifications are needed for performance of the duties of the class, that the same tests of fitness may be used to recruit employees, and that the same schedule of pay can be applied with equity to all positions in the class under the same or substantially the same employment conditions.*

Subd. 12. [CLASSIFIED SERVICE.] *"Classified service" means all positions now existing or hereafter created in the civil service and not specifically designated unclassified pursuant to section 8.*

Subd. 13. [COMMISSIONER.] *"Commissioner" means the commissioner of employee relations.*

Subd. 14. [COMMISSIONER'S PLAN.] *"Commissioner's plan" means the plan required by section 3.855 regarding total compensation and terms and conditions of employment, including grievance administration, for employees of the executive branch who are not otherwise provided for in this act or other law.*

Subd. 15. [COMPETITIVE OPEN.] *"Competitive open" means eligibility to compete in an examination for state employment is extended to all interested persons.*

Subd. 16. [COMPETITIVE PROMOTIONAL.] *"Competitive promotional" means eligibility to compete in an examination for state employment is limited to persons currently occupying, or on leave or layoff from, civil service positions.*

Subd. 17. [DECLASSIFIED POSITION.] *"Declassified position" means a position which is removed from the classified service and placed in the unclassified service.*

Subd. 18. [DEPARTMENT.] *"Department" means the department of employee relations.*

Subd. 19. [ELIGIBLE.] *"Eligible" means a person whose name is on an eligible list.*

Subd. 20. [ELIGIBLE LIST.] *"Eligible list" means a list of candidates qualified under provisions of this act for employment in a specific class.*

Subd. 21. [EMPLOYEE.] *"Employee" means any person currently occupying, or on leave from, a civil service position.*

Subd. 22. [EXECUTIVE BRANCH.] *"Executive branch" means heads of all agencies of state government, elective or appointive, established by statute or constitution and all employees of those agency heads who have within their particular field of responsibility statewide jurisdiction and who are not within the legislative or judicial branches of government. The executive branch also includes employees of the iron range resources and rehabilitation board. The executive branch does not include agencies with jurisdiction in specifically defined geographical areas, such as regions, counties, cities, towns, municipalities, or school districts, the University of Minnesota, the public employees retirement association, the Minnesota state retirement system, the teachers retirement association, the Minnesota historical society, and all of their employees, and any other entity which is incorporated, even though it receives state funds.*

Subd. 23. [INTERMITTENT EMPLOYEE.] *"Intermittent employee" means an employee who works an irregular and uncertain schedule which alternately begins, ceases and begins again as the needs of the agency require.*

Subd. 24. [INTERN.] *"Intern" means an individual who, for a work experience, is receiving academic credit from or is fulfilling an academic requirement of, an accredited educational institution.*

Subd. 25. [JUDICIAL BRANCH.] *"Judicial branch" means all justices of the supreme court, all employees of the supreme court, including commissions, boards and committees established by the supreme court, the board of law examiners, the law library, the office of the public defender, and all judges of all courts of law and other agencies placed in the judicial branch by law.*

Subd. 26. [LAYOFF LIST.] *"Layoff list" means an eligible list by class of former permanent or probationary employees who have been terminated from positions in the class because of a shortage of funds or curtailment of service or for any other reason beyond their control not reflecting discredit on the employee.*

Subd. 27. [LEGISLATIVE BRANCH.] *"Legislative branch" means all legislators and all employees of the legislature, legislative committees or commissions.*

Subd. 28. [MANAGERIAL.] *"Managerial" means those positions designated by the commissioner or statute as being accountable for determining, securing, and allocating human, financial, and other resources needed to*

accomplish objectives. Positions in this category also are accountable for determining overall objectives, priorities, and policies within a program area. Higher level positions in this category handle significant and involved relationships with governmental leadership. Incumbents of these positions have the authority to exercise discretionary powers on a regular basis.

Subd. 29. [OFFICER.] *For purposes of chapter 15A the term "officer" may be used interchangeably with the term "employee" within the executive branch.*

Subd. 30. [PERMANENT STATUS.] *"Permanent status" means the state or condition achieved by a tenured laborer or by an employee in the classified service who has successfully completed an initial probationary period or a probationary period required following reinstatement or reemployment, or whose probationary period is waived through specific statutory direction.*

Subd. 31. [POSITION.] *"Position" means a group of duties and responsibilities assigned or delegated by competent authority, requiring the full-time or less than full-time employment of one person.*

Subd. 32. [PROBATIONARY PERIOD.] *"Probationary period", part of the examination process, means a working period following unlimited appointment to a position in the classified service, during which the employee is required to demonstrate ability to perform the duties and fulfill the responsibilities of the position.*

Subd. 33. [PROTECTED GROUPS.] *"Protected groups" means females; handicapped persons; members of the following minorities: Black, Hispanic, Asian or Pacific Islander, American Indian or Alaskan native; and, until 1989, veterans who served in the military service of this country during the period from August 5, 1964 to May 7, 1975, and separated under honorable conditions from any branch of the armed forces of the United States after having served on active duty for 181 consecutive days or because of disability incurred while serving on active duty and who are permanent residents of the state of Minnesota.*

Subd. 34. [QUALIFYING APPOINTMENT.] *"Qualifying appointment" means the selection, from other than an eligible list, of a candidate who has demonstrated through an examination process that the candidate meets minimum job related requirements.*

Subd. 35. [REALLOCATION.] *"Reallocation" means reclassification resulting from significant changes over a period of time in the duties and responsibilities of a position.*

Subd. 36. [RECLASSIFICATION.] *"Reclassification" means changing the allocation of a position to a higher, lower or equivalent class.*

Subd. 37. [REEMPLOYMENT LIST.] *"Reemployment list" means an eligible list by class of current or former permanent or probationary employees laid off, demoted in lieu of layoff, or separated in good standing from the class, and whose written applications for consideration for reemployment in the class have been approved by the commissioner.*

Subd. 38. [TOTAL COMPENSATION.] *"Total compensation" means salaries, cash payments and employee benefits including paid time off, group insurance benefits, and other direct and indirect items of compensation with*

the exception of retirement plans.

Subd. 39. [UNCLASSIFIED SERVICE.] *"Unclassified service" means all positions designated not being classified pursuant to section 8.*

Subd. 40. [UNLIMITED APPOINTMENT.] *"Unlimited appointment" means an appointment for which there is no specified maximum duration.*

Sec. 3. [43A.03] [DEPARTMENT OF EMPLOYEE RELATIONS.]

Subdivision 1. [CREATION.] *The department of employee relations is created under the control and direction of the commissioner.*

Subd. 2. [COMMISSIONER.] *The commissioner shall be appointed by the governor under the provisions of section 15.06. The commissioner shall be knowledgeable in executive personnel management and shall have background in labor relations.*

Subd. 3. [ORGANIZATION.] *The department shall be organized into two bureaus which shall be designated the personnel bureau and the labor relations bureau. Each bureau shall be responsible for administering the duties and functions assigned to it by law. When the duties of the bureaus are not mandated by law, the commissioner may establish and revise the assignments of either bureau. Each bureau shall be under the direction of a deputy commissioner.*

Subd. 4. [DEPUTY COMMISSIONERS.] *The deputy commissioners of the personnel and labor relations bureaus shall be in the unclassified service and shall be appointed by and serve at the pleasure of the commissioner.*

Subd. 5. [CONFIDENTIAL SECRETARY.] *The commissioner may appoint a confidential secretary, who shall serve at the pleasure of the commissioner in the unclassified service.*

Sec. 4. [43A.04] [GENERAL POWERS AND RESPONSIBILITIES OF COMMISSIONER.]

Subdivision 1. [STATEWIDE LEADERSHIP.] *The commissioner shall be the chief personnel and labor relations manager of the civil service in the executive branch.*

(a) Whenever any power or responsibility is given to the commissioner by any provision of this act, unless otherwise expressly provided, the power or authority shall apply to all employees of agencies in the executive branch and to employees in classified positions in the office of the legislative auditor, the Minnesota state retirement system and the teacher's retirement association.

(b) The commissioner shall operate an information system from which personnel data, as defined in section 15.1692, concerning employees and applicants for positions in the classified service can be retrieved.

The commissioner shall have access to all public and private personnel data kept by appointing authorities which will aid in the discharge of the commissioner's duties.

(c) The commissioner may consider and investigate any matters concerned with the administration of provisions of this act and may order any remedial actions consistent with law.

Subd. 2. [EXECUTIVE DIRECTION.] *The commissioner shall direct all*

departmental services, appoint employees and may enter into contracts to carry out the provisions of this act.

Subd. 3. [RULES.] *The commissioner shall promulgate rules pursuant to the administrative procedure act to implement the provisions of this act which directly affect the rights of or processes available to the general public. The rules shall have the force and effect of law and shall include but are not limited to:*

(a) The processes for determining the extent of competition for filling vacancies, for recruiting applicants, for conducting competitive open examinations, for ranking candidates and maintaining competitive open eligible lists, and for certification and appointment of eligibles from competitive open eligible lists;

(b) The process for effecting noncompetitive and qualifying appointments;

(c) The process for temporary designation of positions in the unclassified service and for effecting appointments to the unclassified service;

(d) A statewide affirmative action program to include requirements for agency affirmative action plans, statewide policies and procedures, reporting requirements, accountability and responsibility of employees in the executive branch, and overall objectives of the program;

(e) Conditions under which moving and other expenses may be authorized and paid prior to appointment to persons who have accepted state employment;

(f) Establishment of procedures and rates of reimbursement governing payment of travel expenses for members of boards and commissions and other persons providing services to the state; and

(g) Procedures for administration of the code of ethics for employees of the executive branch.

Subd. 4. [ADMINISTRATIVE PROCEDURES.] *The commissioner shall develop administrative procedures to effect provisions of this act which do not directly affect the rights of or processes available to the general public. The administrative procedures shall not be subject to the rulemaking provisions of the administrative procedure act. They shall be reproduced and made available for comment to agencies, employees, and appropriate exclusive representatives certified pursuant to sections 179.61 to 179.76, for at least 15 days prior to implementation and shall include but are not limited to:*

(a) Maintenance and administration of a plan of classification for all positions in the classified service and for comparisons of unclassified positions with positions in the classified service;

(b) Procedures for administration of collective bargaining agreements and plans established pursuant to section 18 concerning total compensation and the terms and conditions of employment for employees;

(c) Procedures for effecting all personnel actions internal to the state service such as conduct of competitive promotional examinations, ranking and certification of employees for promotion, noncompetitive and qualifying appointments of employees and leaves of absence; and

(d) Maintenance and administration of employee performance appraisal,

training and other programs.

Subd. 5. [PRECEDENCE OF COLLECTIVE BARGAINING PROVISIONS.] *A provision of an agreement entered into by the commissioner pursuant to section 179.74, subdivision 5, shall supersede the provisions of any rule or administrative procedure or portion thereof which is inconsistent with the agreement unless the provision is found to violate existing law.*

Subd. 6. [PAYMENT FOR GRIEVANCE SETTLEMENTS.] *Notwithstanding any other law to the contrary, the commissioner may authorize an appointing authority to pay an employee for hours not worked, pursuant to the resolution of a grievance through a formal grievance procedure established by a collective bargaining agreement or one of the plans established pursuant to section 18.*

Sec. 5. [43A.05] [POWERS AND RESPONSIBILITIES THROUGH THE PERSONNEL BUREAU.]

Subdivision 1. [GENERAL.] *The commissioner through the personnel bureau shall perform the duties assigned in this act. The deputy for the personnel bureau shall perform any duties delegated by the commissioner.*

The commissioner's authority and responsibility shall include but not be limited to maintenance of a classification plan, assignment of all positions in the classified service to job classes, maintenance and approval of total compensation plans for all positions in the executive branch pursuant to the provisions of section 18 and other provisions of law; preparation of examinations, rating of candidates for employment and preparation of eligible lists; maintenance of employee performance appraisal, training and affirmative action programs; and maintenance and publication of logical career paths in the classified civil service.

Subd. 2. [REQUESTS FOR NONSTATE FUNDS.] *The commissioner shall have the authority to review and comment upon all requests for other than state appropriated funds by any agency for personnel and labor relations purposes before any funding request is made to a federal, local or private agency.*

Subd. 3. [COMMISSIONER'S PLAN.] *The commissioner shall periodically develop and establish pursuant to this act a commissioner's plan. The commissioner shall submit the plan, before becoming effective, to the legislative commission on employee relations for approval.*

Subd. 4. [TIME OFF IN EMERGENCIES.] *The commissioner shall authorize appointing authorities to pay for time off in emergencies. An appointing authority, after consultation with the commissioner of public safety, may excuse employees from duty with full pay in the event of a natural or manmade emergency, if continued operation would involve a threat to the health or safety of individuals. Absence with pay shall not exceed 16 working hours at any one time unless the commissioner authorizes a longer duration.*

Sec. 6. [43A.06] [POWERS AND RESPONSIBILITIES THROUGH THE LABOR RELATIONS BUREAU.]

Subdivision 1. [GENERAL.] *The commissioner, through the labor relations bureau, shall perform the duties assigned to the commissioner by section 3.855, sections 179.61 to 179.76 and this section.*

The deputy commissioner for the labor relations bureau shall be the state

labor negotiator for purposes of negotiating and administering agreements with exclusive representatives of employees and shall perform any other duties delegated by the commissioner.

Subd. 2. [HEARINGS.] *The commissioner shall represent the state at hearings conducted by the director of the bureau of mediation services and the public employment relations board.*

Subd. 3. [COLLECTIVE BARGAINING.] *The commissioner through the labor relations bureau shall represent the state in all collective bargaining between the state and exclusive representatives, and shall represent the state in mediation and arbitration of collective bargaining disputes.*

Subd. 4. [REPORTS.] *The commissioner shall report to the legislative commission on employee relations pursuant to section 3.855.*

Subd. 5. [INTERPRETATION OF COLLECTIVE BARGAINING AGREEMENTS.] *The commissioner shall be responsible for management interpretation of all collective bargaining agreements between the state and exclusive representatives and provide management personnel with training in the interpretation and application of these collective bargaining agreements.*

Subd. 6. [GRIEVANCES; ARBITRATION.] *The commissioner shall oversee the administration of all written grievances arising under collective bargaining agreements between the state and an exclusive representative and shall represent the state at all grievance arbitrations.*

Subd. 7. [GRIEVANCE SETTLEMENT.] *The commissioner shall have final authority to decide if a grievance shall be submitted to arbitration or if it shall be settled without arbitration.*

Subd. 8. [UNFAIR LABOR PRACTICE CHARGES.] *The commissioner shall direct investigations and shall have authority to decide whether agencies in the executive branch shall settle unfair labor practice charges filed against the employer, appointing authorities or their agents pursuant to chapter 179.*

Sec. 7. [43A.07] [CLASSIFIED SERVICE.]

Subdivision 1. [CLASSIFICATION PLAN.] *The commissioner shall maintain, revise and administer a classification plan.*

Subd. 2. [JOB CLASSES AND TITLES.] *An appointing authority shall notify the commissioner when a new position is to be established in the classified service. The commissioner shall allocate the position to an appropriate class in the classification plan or if the position cannot be allocated to an existing class, establish a new class. The commissioner shall assign an appropriate salary rate or range to the class. If the class is in a bargaining unit under the provisions of section 179.741, and there is an applicable provision in the collective bargaining agreement the commissioner shall establish the salary rate or range pursuant to the agreement.*

The commissioner may independently conduct classification studies or, upon request of an appointing authority or a permanent employee, shall investigate the duties of a classified position. The commissioner may reclassify the position, change the title of the position or establish a new class. The commissioner shall assign an appropriate salary rate or range to the class. If the class is in a collective bargaining unit under the provisions of section

179.741, and there is an applicable provision in the collective bargaining agreement, the commissioner shall establish the salary rate or range pursuant to the agreement.

Subd. 3. [PROTESTED ALLOCATION OR RECLASSIFICATION.] *An appointing authority who is affected by a position allocation or reclassification or an employee who is affected by a position reclassification may protest the allocation or reclassification in writing to the commissioner. The commissioner shall review the allocation or reclassification and may change the allocation or reclassification decision. This procedure shall not be subject to contested case provisions of the administrative procedure act.*

Subd. 4. [EFFECT OF RECLASSIFICATION.] *Except as provided in section 17, subdivision 5, the incumbent of a position which has been reclassified shall continue in the position only if the employee is eligible for and is appointed to the position of the new class in accordance with the provisions of this chapter and the rules, administrative procedures or a collective bargaining agreement entered into under sections 179.61 to 179.76 governing reallocation or change in allocation of positions, promotion, transfer, and demotion. If the incumbent is ineligible to continue in the position and is not transferred, promoted or demoted, the layoff provisions of this chapter and plans pursuant to section 18 or a collective bargaining agreement entered into under sections 179.61 to 179.76 shall apply. Personnel changes required by the reclassification of positions shall be completed within a reasonable period of time, as prescribed by the commissioner, following the reclassification notice to an appointing authority. Any employee with permanent or probationary status whose position is reallocated shall be considered eligible to compete in any examination held to fill the reallocation position, as provided in the rules or administrative procedures.*

Subd. 5. [LEAVES TO ACCEPT UNCLASSIFIED APPOINTMENTS.] *An employee who is granted a leave of absence from a position in the classified service to accept a position in the unclassified service shall retain an inactive classified service status. Upon his request, during the unclassified appointment or within sixty days of the end of the unclassified appointment, the employee shall be reappointed in the agency from which the employee was granted the leave, to a classified position comparable to that which he held immediately prior to being appointed to the unclassified position.*

Subd. 6. [RIGHTS OF INCUMBENTS OF DECLASSIFIED POSITIONS.] *Except for just cause, an employee with permanent status shall not be removed from a position which is declassified for a period of one year following the declassification. An appointing authority may remove an incumbent of a declassified position after one year with 30 days prior notice. At any time after the declassification, and prior to the end of the thirty-day notice period, if he so requests, the employee shall be appointed within the same agency to a classified position comparable to the position that was declassified or, if a comparable position is unavailable, to a position in that agency comparable to that which he held immediately prior to being appointed to the declassified position.*

Sec. 8. [43A.08] [UNCLASSIFIED SERVICE.]

Subdivision 1. [UNCLASSIFIED POSITIONS.] *Unclassified positions are held by employees who are:*

(a) Chosen by election or appointed to fill an elective office;

(b) Heads of agencies required by law to be appointed by the governor or other elective officers, and the executive or administrative heads of departments, bureaus, divisions and institutions specifically established by law in the unclassified service;

(c) The confidential secretary to each of the elective officers of this state and, for the secretary of state, state auditor, and state treasurer, an additional deputy, clerk, or employee;

(d) Intermittent help employed by the commissioner of public safety to assist in the issuance of vehicle licenses;

(e) Employees in the offices of the governor and of the lieutenant governor, and one confidential employee for the governor in the office of the adjutant general;

(f) Employees of the legislature and of legislative committees or commissions; provided that employees of the legislative audit commission, except for the legislative auditor, his deputies, and his confidential secretary, shall be employees in the classified service;

(g) Presidents, vice presidents, deans, other managers and professionals in academic and academic support programs, administrative or service faculty, teachers, research assistants and student employees eligible under terms of the federal economic opportunity act work study program in the state universities and community colleges. This paragraph shall not be construed to include the custodial, clerical or maintenance employees, or any professional or managerial employee performing duties in connection with the business administration of these institutions.

(h) Officers and enlisted persons in the national guard;

(i) Attorneys, legal assistants, examiners, and three confidential employees appointed by the attorney general or employed with his authorization;

(j) Judges and all employees of the judicial branch, referees, receivers, jurors, and notaries public, except referees and adjusters employed by the department of labor and industry;

(k) Members of the state highway patrol; provided that selection and appointment of highway patrol troopers shall be made in accordance with applicable laws governing the classified service;

(l) Seasonal help employed by the department of revenue;

(m) Employees of the department of administration permanently assigned to the ceremonial house;

(n) Chaplains employed by the state;

(o) Examination monitors and intermittent training instructors employed by the departments of employee relations and commerce;

(p) Student workers; and

(q) Employees unclassified pursuant to other statutory authority.

Subd. 2. [ADDITIONAL UNCLASSIFIED POSITIONS.] *Notwithstanding*

any other law to the contrary, the commissioner, upon request of the governor, may establish permanent unclassified positions, or unclassify previously classified positions, provided that:

(a) The positions involve only deputy or assistant heads of agencies, or director level positions which are not specifically established by law, and who are appointed by and report directly to a head of an agency who is required by law to be appointed by the governor, or by a board appointed by the governor.

(b) The positions established are limited in number to six in the departments of administration, corrections, economic security, finance, transportation, natural resources, public safety, public welfare, and revenue; to five in the departments of commerce, education, health, labor and industry, employee relations and the housing finance agency; to four in the departments of agriculture, and economic development; to three in the department of public service, the planning agency, and the pollution control agency; and to two in the departments of human rights, veterans affairs, and the crime control planning board; and to one for a confidential secretary of any head of an agency listed in this paragraph. Agencies not enumerated in this paragraph shall not be authorized to establish additional unclassified positions under the provisions of this subdivision.

(c) Funds are available.

Subd. 3. [UNCLASSIFIED TITLES; SALARY RATES AND RANGES; INVESTIGATIONS.] *Except for those positions listed in section 18, subdivision 4, when a new position is to be established in the unclassified service, the commissioner shall compare the position to a class in the classified service if a comparable class exists or if not, establish a salary rate or range and official title for the position.*

The commissioner shall independently or upon request of an appointing authority or employee investigate the duties of a position unclassified under provisions of subdivision 2 or rule. If the commissioner determines the position is incorrectly placed in the unclassified service, the commissioner shall place the position in the classified service. If the commissioner determines the position is improperly compared or assigned to an inappropriate salary range, the commissioner shall recompare the position, change the title or establish a new title or reassign the position to a different salary rate or range.

If a new title is established for the position or if the position is reassigned to a different salary rate or range and the position will be covered by a bargaining unit under the provisions of section 179.741, and if there is an applicable provision in a collective bargaining agreement, the commissioner shall establish the salary rate or range pursuant to the collective bargaining agreement.

Sec. 9. [43.09] [RECRUITMENT.]

The commissioner in cooperation with appointing authorities of all state agencies shall maintain an active recruiting program publicly conducted and designed to attract sufficient numbers of well qualified people to meet the needs of the civil service, and to enhance the image and public esteem of state service employment. Special emphasis shall be given to recruitment of protected group members to assist state agencies in meeting affirmative action goals to achieve a balanced workforce.

Sec. 10. [43A.10] [EXAMINATIONS; ELIGIBILITY TO COMPETE.]

Subdivision 1. [GENERAL.] *Entrance to the classified service shall be through successful competition in an examination and certification and appointment from an eligible list except as provided in section 15 or other law.*

Subd. 2. [EXAMINATION CRITERIA.] *All examinations for positions in the classified service shall be job related and designed to fairly assess ability to perform the duties of the class for which the examination is given.*

Subd. 3. [FACILITIES FURNISHED EXAMINERS.] *The authorities having control of public buildings in political subdivisions of the state and school districts, upon written request of the commissioner, shall furnish without charge convenient facilities for the administration of examinations. Upon such request, it shall be the duty of state and local authorities and employees, as it is consistent with their other duties, to aid in carrying out the provisions of this section.*

Subd. 4. [CANDIDATES, ELIGIBLES; EXPENSES.] *The commissioner or an appointing authority may pay travel expenses incurred by candidates or eligibles invited for oral examinations or employment interviews in the manner and amounts authorized by the commissioner.*

Subd. 5. [ELIGIBILITY FOR COMPETITIVE OPEN EXAMINATIONS.] *Competitive open examinations shall, upon public notice, be open to all applicants who meet reasonable job related requirements fixed by the commissioner.*

Subd. 6. [ELIGIBILITY FOR COMPETITIVE PROMOTIONAL EXAMINATIONS.] *Competitive promotional examinations shall be open only to employees of the civil service, the Minnesota state retirement system and the teacher's retirement association. The commissioner may require that competition be extended to all employees as defined above or may limit competition to employees of one or more agencies or organizational units thereof or to employees meeting specified employment conditions.*

Subd. 7. [EXAMINATION ACCOMMODATIONS.] *Upon request, the commissioner shall provide examination accommodations to a candidate with a handicap that does not prevent performance of the duties of the class. The accommodations shall provide an opportunity to fairly examine the ability of the candidate to perform the duties of the class notwithstanding the handicap but shall preserve, to the extent feasible, the validity of the examination process and equitable comparison of examination scores with competitors without handicaps.*

Subd. 8. [ELIGIBILITY FOR QUALIFIED HANDICAPPED EXAMINATIONS.] *The commissioner shall establish examination procedures for candidates whose handicaps are of such a severe nature that the candidates are unable to demonstrate their abilities in competitive examination processes. The examination procedures shall consist of up to 700 hours on-the-job trial work experience which will be in lieu of a competitive examination and for which the employee will be paid or unpaid at the employee's option. This work experience shall be limited to candidates who are mentally retarded, have severe hearing or visual impairments, are confined to wheelchairs, or have other impairments that comprise serious employment handicaps and who have been referred for employment to a specific suitable vacancy by a vocational rehabil-*

itation, veterans administration, or services for the blind counselor. Implementation of provisions of this subdivision shall not be deemed a violation of other provisions of this act or chapter 363.

Sec. 11. [43A.11] [VETERAN'S PREFERENCE.]

Subdivision 1. [CREATION.] *Recognizing that training and experience in the military services of the government and loyalty and sacrifice for the government are qualifications of merit which cannot be readily assessed by examination, a veteran's preference shall be available pursuant to this section to United States citizens who entered the military service of this country prior to December 31, 1976 and separated under honorable conditions (a) after having served on active duty for 181 consecutive days or (b) by reason of disability incurred while serving on active duty.*

Subd. 2. [RESTRICTIONS.] *Veteran's preference credit under this section may not be used by any veteran who is currently receiving or is eligible to receive a monthly veteran's pension based exclusively on length of military service.*

Subd. 3. [NONDISABLED VETERAN'S CREDIT.] *There shall be added to the competitive open examination score of a nondisabled veteran, if he so elects, a credit of five points provided that the veteran obtained a passing score on the examination without the addition of the credit points.*

Subd. 4. [DISABLED VETERAN'S CREDIT.] *There shall be added to the competitive open examination score of a disabled veteran, if he so elects, a credit of ten points provided that the veteran obtained a passing score on the examination without the addition of the credit points. There shall be added to the competitive promotional examination score of a disabled veteran, if he so elects, a credit of five points provided that (a) the veteran obtained a passing score on the examination without the addition of the credit points and (b) the veteran is applying for his first promotion after securing public employment.*

Subd. 5. [DISABLED VETERAN; DEFINITIONS.] *For the purpose of the preference to be used in securing appointment from a competitive open examination, "disabled veteran" means a person who has a compensable service connected disability as adjudicated by the United States Veterans Administration, or by the retirement board of one of the several branches of the armed forces, which disability is existing at the time preference is claimed. For purposes of the preference to be used in securing appointment from a competitive promotional examination, "disabled veteran" means a person who, at the time of election to use his promotional preference, is entitled to disability compensation under laws administered by the veterans administration for a permanent service connected disability rated at 50 percent or more.*

Subd. 6. [PREFERENCE FOR SPOUSES.] *A preference available pursuant to this section may be used by the surviving spouse of a deceased veteran and by the spouse of a disabled veteran who because of the disability is unable to qualify.*

Subd. 7. [RANKING OF VETERANS.] *An eligible with a score augmented by veteran's preference shall be entered on an eligible list ahead of a nonveteran with the same score.*

Subd. 8. [NOTIFICATION.] *A governmental agency when notifying eligi-*

bles that they have passed examinations shall show the final examination scores and the preference credits and shall notify eligibles that they may elect to use veteran's preference to augment passing scores.

Subd. 9. [REJECTION; EXPLANATION.] *If the appointing authority rejects a certified eligible who has received veteran's preference, the appointing authority shall notify the eligible in writing of the reasons for the rejection.*

Sec. 12. [43A.12] [RANKING OF ELIGIBLES.]

Subdivision 1. [GENERAL.] *The commissioner shall prepare eligible lists as provided in this section.*

Subd. 2. [LAYOFF LISTS.] *On layoff lists former employees of the class shall be ranked as provided in collective bargaining agreements, the plans established pursuant to section 18, rules, or procedures implemented pursuant to section 4, subdivision 4.*

Subd. 3. [REEMPLOYMENT LISTS.] *On reemployment lists former employees of the class with satisfactory prior service ratings shall be ranked as provided in collective bargaining agreements, the plans established pursuant to section 18, rules, or procedures implemented pursuant to section 4, subdivision 4.*

Subd. 4. [COMPETITIVE LISTS.] *On competitive open and competitive promotional lists eligibles shall be ranked according to their ratings in examinations and the veteran's preference provisions of section 11.*

Subd. 5. [QUALIFIED HANDICAPPED LISTS.] *On qualified handicapped lists eligibles shall be ranked in alphabetical order.*

Subd. 6. [TERM OF ELIGIBILITY.] *The term of eligibility of eligibles on lists shall be determined by the commissioner but shall not be less than six months.*

Sec. 13. [43A.13] [CERTIFICATION OF ELIGIBLES.]

Subdivision 1. [GENERAL.] *Upon request of an appointing authority the commissioner shall certify eligibles from an eligible list determined appropriate by the commissioner, or as provided in collective bargaining agreements, rules or section 4, subdivision 4. The commissioner shall certify qualified available eligibles as provided in this section. Where the vacancy to be filled is in a position covered by a collective bargaining agreement, the list of certified eligibles shall be made available upon request to the exclusive representative as defined in sections 179.61 to 179.76.*

Subd. 2. [LAYOFF.] *If an agency has a layoff list for the class and employment conditions of the vacancy to be filled, the commissioner shall certify eligibles as provided in collective bargaining agreements, plans established pursuant to section 18, rules, or procedures implemented pursuant to section 4, subdivision 4.*

Subd. 3. [REEMPLOYMENT.] *For positions to be filled by reemployment of a former employee, the commissioner may certify any eligible on the reemployment list for the class or approve direct reinstatement of a former classified employee within three years of separation.*

Subd. 4. [COMPETITIVE OPEN.] *For positions to be filled by competitive*

open examination, the commissioner shall certify the first 10 eligibles on the list plus those eligibles having the same score as the tenth eligible certified.

Subd. 5. [COMPETITIVE PROMOTIONAL.] *For positions to be filled by competitive promotional examination, the commissioner shall certify the first three eligibles on the list plus those eligibles having an examination rating within three points of the eligible with the highest examination rating and any additional eligible having the same score as the last eligible certified.*

Subd. 6. [QUALIFIED HANDICAPPED.] *For a position to be filled by qualified handicapped examination, the commissioner shall certify only the one eligible who has successfully completed the examination processes provided in section 10, subdivision 8 for the position.*

Subd. 7. [EXPANDED CERTIFICATION.] *When the commissioner determines that a disparity as defined in rules exists between an agency's work force and its affirmative action plan approved in accordance with section 19, the commissioner shall ensure to the extent possible that eligibles who are members of the protected groups for which the disparity exists are certified for appointment. When fewer than three eligibles of all protected groups for which a disparity has been determined to exist would be certified under subdivisions 4 and 5, the commissioner shall certify as many additional eligibles from all of the protected groups for which disparities have been determined to exist as are necessary to bring the number of such protected group eligibles certified to an aggregate total of three. Implementation of this subdivision shall not be deemed a violation of other provisions of this act or chapter 363.*

Subd. 8. [REFUSAL TO CERTIFY.] *The commissioner may refuse to certify an eligible who (a) is found to lack any of the requirements established for the examination for which the eligible has applied, (b) has been dismissed from the public service for delinquency or misconduct, (c) has been dismissed from the same or a similar classification within the civil service for unsatisfactory job performance, (d) has, directly or indirectly, given or promised to give anything of value to any person in connection with the eligible's examination, appointment, or proposed appointment, or (e) has made a false statement of any material fact or practiced or attempted to practice any deception or fraud in the application, or examination or in securing eligibility or appointment.*

When the commissioner refuses to certify an eligible, the commissioner shall, upon request of the eligible refused, furnish the eligible a statement of the reasons for the refusal. Upon receipt of relevant information, the commissioner shall reconsider the refusal and may certify the eligible.

Sec. 14. [43A.14] [APPOINTMENTS.]

All appointments to the classified service shall be based upon merit and ability to perform the duties of the position and the needs of the employing agency, including the need to achieve and maintain a representative work force. For employees in a bargaining unit as defined in section 179.741 appointments shall be subject to applicable provisions of collective bargaining agreements.

Sec. 15. [43A.15] [NONCOMPETITIVE AND QUALIFYING APPOINTMENTS.]

Subdivision 1. [GENERAL.] *Positions in the classified service may be filled*

other than by appointment from eligible lists only as provided in this section or other law, provided that appointments made pursuant to subdivisions 5, 6, 9, 10, 11, and 12 shall be subject to applicable provisions of collective bargaining agreements.

Subd. 2. [EMERGENCY APPOINTMENTS.] *An appointing authority may make an emergency appointment for up to 30 working days. No person shall be employed in any one agency on an emergency basis for more than 30 working days in any 12 month period.*

Subd. 3. [TEMPORARY APPOINTMENTS.] *The commissioner may authorize an appointing authority to make a temporary appointment of up to six months. The commissioner may, in the best interest of the state, grant an extension of a temporary appointment or approve a temporary appointment to fill a vacancy created by an approved leave of absence to a maximum period of one year. When practicable, the commissioner may certify any qualified eligible from an eligible list for the temporary appointment, but may authorize the appointment of any person deemed qualified by the appointing authority.*

No person shall be employed on a temporary basis in any one agency for more than 12 months in any 24 month period.

Subd. 4. [PROVISIONAL APPOINTMENTS.] *The commissioner may authorize an appointing authority to make a provisional appointment if there is an urgent reason for filling a vacancy and no person on an incomplete certification is suitable or available for appointment.*

No person shall be provisionally appointed unless the person has passed an appropriate qualifying examination or is qualified in all respects except for completion of a licensure or certification requirement. To the extent possible, the commissioner shall ensure that provisional appointments are kept to a minimum.

No person shall be employed on a provisional basis for more than six months unless the commissioner grants an extension to a maximum of 12 months in the best interest of the state. No extension may be granted beyond 12 months except for persons provisionally appointed to physician positions or other positions requiring licensure or certification where there is a lack of eligibles.

At the request of an appointing authority, the commissioner may authorize the probationary appointment of a provisional appointee who has performed satisfactorily for at least 60 days.

Subd. 5. [NONCOMPETITIVE PROMOTIONS.] *The commissioner may authorize an appointing authority to promote the incumbent with permanent or probationary status to a reallocated classified position.*

Subd. 6. [APPOINTMENTS THROUGH TRANSFER OR DEMOTION.] *The commissioner may authorize the transfer or demotion of an employee in the classified service within an agency or between agencies. An authorized transfer may result in the movement of an employee between different positions in the same class or between positions in different classes provided that the compensation for the classes is similar.*

The commissioner may enter into arrangements with public personnel agencies in other jurisdictions for the purpose of effecting transfers or voluntary demotions of employees between jurisdictions.

Subd. 7. [APPOINTMENTS FOR UNCLASSIFIED INCUMBENTS OF NEWLY CLASSIFIED POSITIONS.] *The commissioner may authorize the probationary appointment of an incumbent who has passed a qualifying examination and who has served at least one year in an unclassified position which has been placed in the classified service by proper authority.*

Subd. 8. [EXCEPTIONAL APPOINTMENTS.] *Where a position requires exceptional qualifications of a scientific, professional or expert character and competition is impracticable, the commissioner may, at the request of an appointing authority, authorize the probationary appointment of a designated person possessing the required exceptional qualifications.*

Subd. 9. [LABOR SERVICE APPOINTMENTS.] *The commissioner shall designate classes involving unskilled labor as comprising a labor service and shall authorize appointing authorities to make appointments to such classes without prior approval.*

Subd. 10. [ROUTINE SERVICE APPOINTMENTS.] *The commissioner may authorize the administration of a qualifying selection process where the position to be filled is of a routine, service nature involving unskilled tasks, the performance of which cannot be directly related to qualifications beyond a minimum competency level. Appointing authorities may consider any candidate found so qualified for probationary appointment to such a position.*

Subd. 11. [APPOINTMENTS TO POSITIONS IN SHORTAGE OCCUPATIONS.] *The commissioner may designate classifications for which qualified applicants are in critically short supply and may develop recruitment, qualifying examination and referral processes as will provide agencies opportunity to make prompt appointments.*

Subd. 12. [WORK-TRAINING APPOINTMENTS.] *The commissioner may authorize the probationary appointment of persons who successfully complete on-the-job state training programs which have been approved by the commissioner.*

Sec. 16. [43A.16] [PROBATIONARY PERIODS.]

Subdivision 1. [GENERAL.] *All unlimited appointments to positions in the classified service except as provided in this subdivision shall be for a probationary period the duration of which shall be determined through collective bargaining agreements or plans established pursuant to section 18 but which shall not be less than 30 days of full-time equivalent service nor more than two years of full-time equivalent service. An appointing authority may require a probationary period for transfers, reemployments, reinstatements, voluntary demotions, and appointments from layoff lists of former employees of a different appointing authority. For employees in a bargaining unit as defined in 179.741 the requirement of such a probationary period shall be subject to applicable provisions of collective bargaining agreements.*

Subd. 2. [TERMINATION DURING PROBATIONARY PERIOD.] *There is no presumption of continued employment during a probationary period. Terminations or demotions may be made at any time during the probationary period subject to the provisions of this section and collective bargaining agreements or plans established pursuant to section 18.*

If during the probationary period an employee with permanent status is

dismissed for inability to perform the duties of the new position or for other cause not related to misconduct or delinquency, the employee shall be restored to a position in the employee's former class and agency.

Sec. 17. [43A.17] [SALARY LIMITS, RATES, RANGES AND EXCEPTIONS.]

Subdivision 1. [SALARY LIMITS.] *As used in this section, "salary" means hourly, monthly, or annual rate of pay including any lump-sum payments and cost-of-living adjustment increases but excluding payments due to overtime worked, shift or equipment differentials, work out of class as required by collective bargaining agreements or plans established pursuant to section 18, and back pay on reallocation or other payments related to the hours or conditions under which work is performed rather than to the salary range or rate to which a class is assigned.*

The salary, as established in section 15A.081, of the head of a state agency in the executive branch is the upper limit of compensation in the agency. The salary of the commissioner of labor and industry is the upper limit of compensation of employees in the bureau of mediation services. The commissioner may grant exemptions from these upper limits as provided in subdivisions 3 and 4.

Subd. 2. [GENERAL COMPENSATION.] *For classes or positions covered under the provisions of section 18, subdivision 1, the commissioner shall negotiate compensation. For classes or positions covered under the provisions of section 18, subdivisions 2 and 3, the commissioner shall establish compensation. Employees covered under section 18 shall receive salary at the appropriate single rate or within the limits of the salary range to which their class is assigned or their position compared except for any lump sum payments including cost of living lump sum payments. The commissioner may grant further exemptions from this subdivision as provided in subdivisions 3, 5, 6, and 7.*

Subd. 3. [UNUSUAL EMPLOYMENT SITUATIONS.] *Upon the request of the appointing authority, and when the commissioner determines that changes in employment situations create difficulties in attracting or retaining employees, the commissioner may approve an unusual employment situation increase to advance an employee within the compensation plan. Such action will be consistent with applicable provisions of collective bargaining agreements or plans pursuant to section 18. The commissioner shall review each proposal giving due consideration to salary rates paid to other employees in the same class and agency and may approve any request which in the commissioner's judgment is in the best interest of the state. If the commissioner determines that the position requires special expertise necessitating a higher salary to attract or retain qualified persons, the commissioner may grant an exemption not to exceed 120 percent of the base salary of the head of the agency.*

Subd. 4. [MEDICAL SPECIALISTS.] *The commissioner may without regard to subdivision 1 establish special salary rates and plans of compensation designed to attract and retain exceptionally qualified doctors of medicine. In establishing salary rates and eligibility for nomination for payment at special rates, the commissioner shall consider the standards of eligibility established by national medical speciality boards where appropriate. The incumbents assigned to these special ranges shall be excluded from the collective bargaining process.*

Subd. 5. [SALARY ON DEMOTION; SPECIAL CASES.] *The commissioner may, upon request of an appointing authority, approve payment of an employee with permanent status at a salary rate above the maximum of the class to which the employee is demoted. The commissioner shall take such action as required by collective bargaining agreements or plans pursuant to section 18. If the action is justified by the employee's long or outstanding service, exceptional or technical qualifications, age, health, or substantial changes in work assignment beyond the control of the employee, the commissioner may approve a rate up to and including the employee's salary immediately prior to demotion. Thereafter, so long as the employee remains in the same position, the employee shall not be eligible to receive any increase in salary until the employee's salary is within the range of the class to which the employee's position is allocated unless such increases are specifically provided in collective bargaining agreements or plans pursuant to section 18.*

Subd. 6. [SALARY ON TRANSFER.] *The commissioner may authorize an employee transferring between two classes established as equivalent for purposes of transfer to retain a rate of compensation above the maximum of the range of the class to which the employee is transferring. The commissioner shall take such action as required by a collective bargaining agreement or plans pursuant to section 18. Thereafter, so long as the employee remains in the same class, the employee shall receive an increase in salary only as provided pursuant to applicable collective bargaining agreements or plans pursuant to section 18, until his salary is within the range of the class to which his position is allocated.*

Subd. 7. [INJURED ON DUTY PAY.] *Notwithstanding section 176.021, subdivision 5, the commissioner may provide for injured on duty pay through collective bargaining agreements or plans pursuant to section 18.*

Sec. 18. [43A.18] [TOTAL COMPENSATION; COLLECTIVE BARGAINING AGREEMENTS; PLANS.]

Subdivision 1. [COLLECTIVE BARGAINING AGREEMENTS.] *Except as provided in section 1 and to the extent they are covered by a collective bargaining agreement, the compensation, terms and conditions of employment for all employees represented by an exclusive representative certified pursuant to chapter 179 shall be governed solely by the collective bargaining agreement executed by the parties and approved by the legislature.*

Subd. 2. [COMMISSIONER'S PLAN.] *Except as provided in section 1 of this act, the compensation, terms and conditions of employment for all classified and unclassified employees who are not covered by a collective bargaining agreement and not otherwise provided for in this act or other law shall be governed solely by the commissioner's plan. The legislative commission on employee relations shall review the plan and submit it to the legislature along with any recommendations it deems appropriate. The plan need not be adopted in accordance with the rulemaking provisions of chapter 15.*

The plan shall not take effect until approved by the legislature, provided that the legislative commission may give interim approval to effect the plan and subsequently submit it to the entire legislature for ratification in the same manner as provided for negotiated agreements and arbitration awards under section 179.74, subdivision 5. If the legislature modifies or rejects the plan or adjourns without action during the following legislative session, any total

compensation increases which were provided pursuant to interim approval by the commission and not ratified by the legislature shall not be affected but shall cease to be provided.

Subd. 3. [MANAGERIAL PLAN.] *The commissioner shall identify individual positions or groups of positions in the classified and unclassified service, except those listed in subdivision 4, in the executive branch as being managerial.*

(a) The commissioner shall establish appropriate plans for training and development, mobility, total compensation and terms and conditions of employment for employees of those positions identified as being managerial and whose salaries and benefits are not otherwise provided for in law or other plans established under this act. The plans shall include a career executive service to provide a system for identifying, developing and recognizing key individuals who occupy managerial positions in the classified service.

(b) Incumbents of managerial positions as identified under this subdivision shall be excluded from any bargaining units under the provisions of chapter 179.

(c) The management compensation plan shall provide methods and levels of compensation for managers that will be generally comparable to those applicable to managers in other public and private employment. Provisions of the plan shall ensure that compensation within assigned salary ranges is related to level of performance.

The commissioner shall develop a total compensation plan for individuals appointed to the career executive service. Salaries established under this plan shall be limited to 120 percent of the maximum of the salary range for the employee's job classification in the classified service. The total compensation established under the provisions of this clause may be extended to unclassified managers and the employee benefits established under the provisions of this clause may be extended to those heads of agencies whose salaries are established in section 15A.081, subdivision 1.

(d) No rights or tenure shall attach to a career executive service assignment. An incumbent in the career executive service may be removed from the career executive service by the appointing authority, provided the action is made without regard to sex, race, religion, color, creed, marital status, age, national origin, disability, status with regard to public assistance or political affiliation. An employee removed from the career executive service shall receive compensation at the level formerly received plus any increases the employee would have received had the employee not been appointed to the career executive service.

An employee who is in the career executive service on the effective date of this section and whose position, as a result of this act, is no longer eligible for inclusion in the career executive service is nonetheless eligible to remain a member of the career executive service in accordance with the provisions of this section so long as the employee remains in that position.

Subd. 4. [PLANS NOT ESTABLISHED BUT APPROVED BY COMMISSIONER.] *Notwithstanding any other law to the contrary, total compensation for employees listed in this subdivision shall be set by appointing authorities subject to the following limitations:*

(a) Total compensation paid pursuant to this subdivision and that paid pursuant to section 6.582, shall be within the limits of compensation plans which shall have been approved by the commissioner before becoming effective;

(b) Total compensation for unclassified employees in the office of the governor shall be determined by the governor;

(c) Total compensation for unclassified employees in the office of the attorney general shall be determined by the attorney general;

(d) Total compensation for unclassified employees of the state board of investment shall be determined by the state board of investment;

(e) Total compensation for unclassified positions pursuant to section 8, subdivision 1, clause (g) and in the higher education coordinating board shall be determined by the state university board, the state board for community colleges, and the higher education coordinating board, respectively; and

(f) Total compensation for classified hearing examiners in the office of administrative hearings shall be determined by the chief hearing examiner.

Subd. 5. [GOVERNOR TO SET CERTAIN SALARIES.] *The governor shall, on or before January 31 of each odd numbered year, submit to the legislative commission on employee relations recommendations for salaries for the positions listed in sections 15A.081 and 15A.083. The governor may also propose additions or deletions of positions from those listed.*

(a) Before submitting the recommendations, the governor shall consult with the commissioner of administration, the commissioner of finance, and the commissioner of employee relations concerning the recommendations. Before submitting recommendations for an employee in the office of a constitutional officer, the governor shall consult with the constitutional officer concerning the recommendations and shall give due consideration to the advice of the officer;

(b) Except for positions for which salary ranges have been established, the recommendations shall contain a specific salary for each position listed in sections 15A.081 and 15A.083. The governor shall determine only a fixed salary for the positions of the constitutional officers, the judges of the workers' compensation court of appeals and the commissioner of public service;

(c) In making recommendations, the governor shall consider only those criteria established in subdivision 7 and shall not take into account performance of individual incumbents. The governor shall establish an objective system for quantifying knowledge, abilities, duties, responsibilities and accountabilities and in determining recommendations rate each position by this system; and

(d) The initial salary of a head of an agency hereafter established whose salary is not specifically prescribed by law shall be fixed by the governor, after consultation with the commissioner, whose recommendation shall be advisory only, in an amount comparable to the salary of an agency head having similar duties and responsibilities.

Subd. 6. [MEMBERS OF MINNESOTA NATIONAL GUARD.] *Members of the Minnesota national guard shall receive the pay and allowances pre-*

scribed by the armed forces of the United States for similar rank and time in service.

Subd. 7. [COMPENSATION RELATIONSHIPS OF POSITIONS.] *In establishing, recommending and approving total compensation for any position within the plans covered in subdivisions 2, 3 and 4, the commissioner shall assure that:*

(a) Compensation for positions in the classified and the unclassified service compare reasonably to one another;

(b) Compensation for state positions bears reasonable relationship to compensation for similar positions outside state service;

(c) Compensation for management positions bears reasonable relationship to compensation of represented employees managed;

(d) Compensation for positions within the classified service bears reasonable relationships among related job classes and among various levels within the same occupation; and

(e) Compensations bear reasonable relationships to one another within the meaning of this subdivision if compensation for positions which require comparable knowledge, abilities, duties, responsibilities and accountabilities is comparable and if compensation for positions which require differing knowledge, abilities, duties, responsibilities and accountabilities is proportional to the knowledge, abilities, duties and responsibilities required.

Sec. 19. [43A.19] [AFFIRMATIVE ACTION.]

Subdivision 1. [STATEWIDE AFFIRMATIVE ACTION PROGRAM.] *To assure that positions in the executive branch of the civil service are equally accessible to all qualified persons, and to eliminate the underutilization of qualified members of protected groups, the commissioner shall adopt and periodically revise, if necessary, a statewide affirmative action program. The statewide affirmative action program shall consist of at least the following:*

(a) Objectives, goals and policies;

(b) Procedures, standards and assumptions to be used by agencies in the preparation of agency affirmative action plans, including methods by which goals and timetables shall be established; and

(c) Requirements for the periodic submission of affirmative action progress reports from heads of agencies.

The commissioner shall designate a state director of equal employment opportunity to serve in the unclassified service who may be delegated the preparation, revision, implementation and administration of the program.

Subd. 2. [AGENCY AFFIRMATIVE ACTION PLANS.] *The head of each agency in the executive branch shall prepare and implement an agency affirmative action plan consistent with this section and rules promulgated pursuant to section 4, subdivision 3. No agency affirmative action plan may be implemented without the commissioner's approval.*

Subd. 3. [EXEMPTIONS.] *Implementation of the provisions of this section shall not be deemed a violation of other provisions of this act or chapter 363.*

Sec. 20. [43A.20] [PERFORMANCE APPRAISAL AND PAY.]

The commissioner shall design and maintain a performance appraisal system under which each employee in the civil service in the executive branch shall be evaluated and counseled on work performance at least once a year. Individual pay increases for all employees not represented by an exclusive representative certified pursuant to chapter 179 shall be based on the evaluation and other factors the commissioner includes in the plans developed pursuant to section 18. Collective bargaining agreements entered into pursuant to chapter 179 may, and are encouraged to, provide for pay increases based on employee work performance.

Sec. 21. [43A.21] [TRAINING PROGRAMS.]

Subdivision 1. [AUTHORITY; PURPOSE.] *The commissioner shall develop and interpret policy and administer and, to the extent possible, conduct programs in training and development for employees to promote individual, group and agency efficiency and effectiveness.*

Subd. 2. [RESPONSIBILITIES.] *The commissioner is responsible for developing and coordinating consistent training policy which shall be binding on all state agencies. The policies shall include conditions under which employees may receive or be assigned to training; internships and work-training programs; minimum and maximum training standards for employee participation and agency reporting requirements. Career development training is a permissive subject of collective bargaining. Each appointing authority in the executive branch, including the Minnesota state retirement system and the teachers retirement association, is primarily responsible for planning, budgeting, conducting and evaluating training programs.*

Subd. 3. [PROGRAMS.] *The commissioner shall design and implement a management development program for the state service. The program shall include but not be limited to mandatory training and development requirements for managers and supervisors. No management or supervisory training shall be conducted by any agency without specific approval of the commissioner. No person shall acquire permanent status in a management or supervisory position in the classified service until training and development requirements have been met.*

Subd. 4. [FUNDS.] *For purposes of training and development, the commissioner is authorized to apply for and accept funds from any source including reimbursement charges from agencies for reasonable program costs. Funds received shall be deposited in the general fund of the state treasury and shall be appropriated annually to the department for the purposes for which they are received.*

Sec. 22. [43A.22] [BENEFITS; INTENT.]

It is the intent of the state to provide eligible employees and other eligible persons with life insurance and hospital, medical, and dental benefits coverage through provider organizations, hereafter referred to as "carriers", authorized to do business in the state.

Sec. 23. [43A.23] [CONTRACTING AUTHORITY.]

Subdivision 1. [GENERAL.] *The commissioner is authorized to request bids from carriers or to negotiate with carriers and to enter into contracts with carriers which in the judgment of the commissioner are best qualified to un-*

derwrite and service the benefit plans. The commissioner shall consider the cost of the plans, conversion options relating to the contracts, service capabilities, character, financial position, and reputation of the carriers and any other factors which the commissioner deems appropriate. Each benefit contract shall be for a uniform term of at least one year, but may be made automatically renewable from term to term in the absence of notice of termination by either party. The commissioner shall, to the extent feasible, make hospital and medical benefits available from at least one carrier licensed to do business pursuant to each of chapters 62A, 62C and 62D. The commissioner need not provide health maintenance organization services to an employee who resides in an area which is not served by a licensed health maintenance organization. The commissioner may refuse to allow a health maintenance organization to continue as a carrier if it was selected by less than 200 employees in the preceding benefit year. The commissioner may elect not to offer all three types of carriers if there are no bids or no acceptable bids by that type of carrier or if the offering of additional carriers would result in substantial additional administrative costs. Any carrier licensed pursuant to chapter 62A shall be exempt from the tax imposed by section 60A.15 on premiums paid to it by the state.

Subd. 2. [CONTRACT TO CONTAIN STATEMENT OF BENEFITS.] *Each contract under sections 22 to 30 shall contain a detailed statement of benefits offered and shall include any maximums, limitations, exclusions, and other definitions of benefits the commissioner deems necessary or desirable. Each hospital and medical benefits contract shall provide benefits at least equal to those required by section 62E.06, subdivision 2.*

Sec. 24. [43A.24] [ELIGIBILITY FOR STATE PAID INSURANCE AND BENEFITS.]

Subdivision 1. [GENERAL.] *Employees, including persons on layoff from a civil service position, shall be eligible for state paid life insurance and hospital, medical and dental benefits as provided in collective bargaining agreements or plans established pursuant to section 18.*

Subd. 2. [OTHER ELIGIBLE PERSONS.] *The following persons are eligible for state paid life insurance and hospital, medical and dental benefits as determined in applicable collective bargaining agreements or by the commissioner or by the Board of Regents for employees of the University of Minnesota not covered by collective bargaining agreements.*

(a) A member of the state legislature, provided that changes in benefits resulting in increased costs to the state shall not be effective until expiration of the term of the members of the existing house of representatives. An eligible member of the state legislature may decline to be enrolled for state paid coverages by filing a written waiver with the commissioner, provided that the waiver shall not prohibit the member from enrolling himself or his dependents for optional coverages, without cost to the state, as provided for in section 26. A member of the state legislature who returns from a leave of absence to a position he previously occupied in the civil service shall be eligible to receive the life insurance and hospital, medical and dental benefits to which his position is entitled;

(b) A permanent employee of the legislature or a permanent employee of a permanent study or interim committee or commission or a state employee on

leave of absence to work for the legislature, during a regular or special legislative session, provided that his name appears on the state payroll or the legislative payroll for at least one working day each payroll period;

(c) A judge of the supreme court or an officer or employee of a court; a judge of the district court, a judge of county court, a judge of county municipal court, a judge of probate court; a district administrator; and an employee of the office of the district administrator of the fifth or the eighth judicial districts;

(d) A salaried employee of the public employees retirement association;

(e) A full-time military or civilian officer or employee in the unclassified service of the department of military affairs whose salary is paid from state funds;

(f) A salaried employee of the Minnesota historical society, whether paid from state funds or otherwise, who is not a member of the governing board; and

(g) An employee of the regents of the University of Minnesota.

Sec. 25. [43A.25] [INELIGIBILITY FOR STATE PAID INSURANCE AND BENEFITS.]

Except as provided in section 27, subdivision 2, the following persons are excluded from the provisions of sections 22 to 30: emergency employees of the state and interns of the state and unless specifically included in collective bargaining agreements or plans established pursuant to section 18, student workers of the state, temporary employees of the state and intermittent employees of the state.

Sec. 26. [43A.26] [OPTIONAL COVERAGES.]

The commissioner may make available to eligible persons and their dependents certain optional coverages provided by carriers selected by the commissioner. Eligible employees may elect to purchase optional coverages at their own expense.

Sec. 27. [43A.27] [ELIGIBILITY FOR INDIVIDUAL PAID INSURANCE AND BENEFITS.]

Subdivision 1. [GENERAL.] *Notwithstanding any other provisions of this act, the persons listed in subdivisions 2 and 3, and their dependents, may elect to enroll at their own expense in the appropriate life insurance, hospital, medical and dental benefits, and optional coverages at the time, in the manner, and under conditions of eligibility the commissioner prescribes and otherwise approves. The commissioner may also provide for payroll deductions to be made in the same manner and under the same conditions as provided in section 30, subdivision 2 authorizing payroll deductions for an eligible employee and his dependents.*

Subd. 2. [ELECTIVE ELIGIBILITY.] *The following persons, if not otherwise covered by section 24, may elect coverage for themselves or their dependents at their own expense:*

(a) A state employee, including persons on layoff from a civil service position as provided in collective bargaining agreements or a plan established pursuant to section 18;

(b) An employee of the board of regents of the University of Minnesota, including persons on layoff, as provided in collective bargaining agreements or by the Board of Regents;

(c) An officer or employee of the state agricultural society, state horticultural society, Sibley house association, Minnesota humanities commission, Minnesota international center, Minnesota academy of science, science museum of Minnesota, Minnesota safety council, or Minnesota humane society;

(d) A civilian employee of the adjutant general who is paid from federal funds and who is not eligible for benefits from any federal civilian employee group life insurance or health benefits program; and

(e) An officer or employee of the state capitol credit union or the highway credit union.

Subd. 3. [RETIRED EMPLOYEES.] *A retired employee may elect to purchase coverage for himself or his dependents at his own expense. A retired employee of the state who receives an annuity under a state retirement program may elect to retain coverages to which he was entitled at the time of his retirement and any additional coverages made available through collective bargaining agreements or plans established pursuant to section 18 to employees in positions equivalent to that from which he retired. Coverages shall be coordinated with relevant health insurance benefits provided through the federally sponsored medicare program. Appointing authorities shall provide notice to employees no later than the effective date of their retirement of the right to exercise the option provided in this subdivision. The retired employee must notify the commissioner or his designee within 30 days after the effective date of his retirement of his intention to exercise this option.*

Subd. 4. [RETIRED JUDGES; FORMER LEGISLATORS.] *A retired judge or a former legislator may elect to purchase coverage for themselves or their dependents at their own expense as provided below:*

(a) A retired judge of the state supreme court or district court may elect to purchase coverage provided persons listed in section 24, subdivision 2, clause (c), provided that the retired judge exercises this option with 30 days of the effective date of retirement; or

(b) A former member of the legislature may elect to purchase coverage provided persons listed in section 24, subdivision 2, clause (a).

Sec. 28. [43A.28] [ENROLLMENT.]

The time, manner, and conditions and terms of eligibility for enrollment of persons eligible for state paid or individual paid life insurance, hospital, medical and dental benefits, and optional coverages authorized shall be determined and prescribed by the commissioner according to collective bargaining agreements and plans established pursuant to section 18.

Sec. 29. [43A.29] [CONTRIBUTIONS BY STATE.]

The total contribution by the state for eligible state employees and for dependents of eligible state employees shall be prescribed by collective bargaining agreements or plans established pursuant to section 18.

Sec. 30. [43A.30] [PAYMENT OF PREMIUMS.]

Subdivision 1. [PAYMENTS FROM AGENCY REVENUES.] *Each*

agency shall pay the amounts due for state paid life insurance and hospital, medical and dental benefits coverage authorized for eligible employees pursuant to this act.

Each agency shall pay the amounts from accounts and funds from which the agency receives its revenues, including appropriations from the general fund and from any other fund, now or hereafter existing for the payment of salaries and in the same proportion as it pays therefrom the amounts of salaries. In order to enable the commissioner of finance to maintain proper records covering the appropriations pursuant to this section, the commissioner of finance may require certifications in connection with payments as the commissioner of finance deems necessary from the Minnesota historical society, the University of Minnesota, or any agency whose employees receive benefits pursuant to this act. The accounts and funds from which agencies receive appropriations under the terms of this section are a source of revenue for the purposes of any other law or statutory enactment.

Subd. 2. [PAYROLL DEDUCTION.] *If an eligible person who is on any payroll of the state enrolls himself or his dependents for any of the optional coverages made available by the commissioner pursuant to section 26 the commissioner of finance, upon the person's written order, shall deduct from the salary or wages of the person those amounts required from time to time to maintain the optional coverages in force, and issue his warrant therefor to the appropriate carrier. Legislators may elect not to pay their premiums via payroll deduction.*

Subd. 3. [GENERAL APPROPRIATION.] *If for any reason there are insufficient funds in the state treasury to provide funds to expend under the appropriations made by subdivision 1 from any account or fund in the state treasury, the necessary additional funds therefor are appropriated from the general fund in the state treasury.*

Sec. 31. [43A.31] [ADMINISTRATION.]

Subdivision 1. [GENERAL.] *The commissioner shall maintain records, prepare reports, and perform all functions necessary to carry out the intent of sections 22 to 30. Upon request of the commissioner, the commissioner of finance shall perform necessary accounting and disbursement functions.*

Subd. 2. [COMMISSIONER REPORTS.] *The commissioner shall transmit a report each biennium to the legislative commission on employee relations concerning the operation of sections 22 to 30.*

Subd. 3. [AGENCY REPORTS AND RECORDS.] *Each agency shall keep the records, make the certifications, and furnish the commissioner or carriers with the information and reports necessary to enable the commissioner or carriers to carry out their functions under sections 22 to 30.*

Subd. 4. [INSURANCE ADVISORY COUNCIL.] *The commissioner shall appoint and serve as chairman of an insurance advisory council consisting of 11 members. Two members shall be selected from names submitted by exclusive representatives of state employees. One member shall be selected from names submitted by exclusive representatives of employees of the University of Minnesota. One member shall be selected from names submitted by organizations representing retired state employees. One member shall be selected from names submitted by the regents of the University of Minnesota. The commissioners of*

administration, insurance, health and finance, and the deputy commissioner for labor relations or their designees, shall serve as the other members. Except as provided in this section, the provisions of section 15.059 shall apply to the members of the council. The council shall advise the commissioner in the selection of carriers. Evidence of discussions, recommendations or decisions by the council shall not be submitted to any court or arbitrator in any matter involving state or University of Minnesota employees.

Sec. 32. [43A.32] [POLITICAL ACTIVITIES.]

Subdivision 1. [PROHIBITION.] *No employee shall, directly or indirectly, during hours of employment solicit or receive funds for political purposes, or use official authority or influence to compel an employee in the classified service to apply for membership in or become a member of any political organization, to pay or promise to pay any assessment, subscription, or contribution or to take part in any political activity.*

Subd. 2. [LEAVES OF ABSENCE FOR ELECTED PUBLIC OFFICIALS, CANDIDATES.] *Except as herein provided any officer or employee in the classified service shall:*

(a) Take leave of absence upon assuming an elected federal or state public office, including elected state legislative office;

(b) Take leave of absence upon assuming any elected public office other than enumerated in clause (a), if, in the opinion of the commissioner, the holding of the office conflicts with his regular state employment;

(c) Upon his request, be granted leave of absence upon becoming a candidate, or during the course of his candidacy, for any elected public office; and

(d) Take leave of absence upon becoming a candidate, or during the course of candidacy, for any elected public office if, in the opinion of the commissioner, the candidacy conflicts with his regular state employment.

All requests for opinions of the commissioner and all opinions from the commissioner under the provisions of clauses (b) and (d) shall be in writing and shall be delivered by certified mail.

The commissioner shall issue an opinion under the provisions of clauses (b) and (d) within seven calendar days of receipt of the request.

Sec. 33. [43A.33] [GRIEVANCES.]

Subdivision 1. [DISCHARGE, SUSPENSION, DEMOTION FOR CAUSE, SALARY DECREASE.] *No permanent employee in the classified service shall be discharged, suspended without pay, or reduced in pay or position, except for just cause.*

Subd. 2. [JUST CAUSE.] *For purposes of this section, just cause includes, but is not limited to, consistent failure to perform assigned duties, substandard performance, insubordination, and serious violation of written policies and procedures, provided the policies and procedures are applied in a uniform, nondiscriminatory manner.*

Subd. 3. [PROCEDURES.] *Procedures for discipline and discharge of employees covered by collective bargaining agreements shall be governed by the agreements. Procedures for employees not covered by a collective bar-*

gaining agreement shall be governed by this subdivision.

(a) For discharge, suspension for more than 30 days, or reduction in pay or position, no later than the effective date of such action, a permanent employee not covered by a collective bargaining agreement shall be given written notice by the appointing authority. The written notice shall include a statement of the nature of the disciplinary action, the specific reasons for the action, the effective date of the action and a statement informing the employee that he may reply within five days in writing or, upon request, in person, to the appointing authority or his designee. The notice shall also include a statement that the employee may appeal the action to the office of administrative hearings within 30 days of the effective date of the disciplinary action. A copy of the notice and the employee's reply, if any, shall be filed with the commmissioner no later than ten calendar days following the effective date of the disciplinary action. The commissioner shall have final authority to decide whether the appointing authority shall settle the dispute prior to the hearing provided under subdivision 4.

(b) For suspensions of permanent employees for 30 days or less grievance procedures shall be provided in plans established pursuant to section 18.

(c) For discharge, suspension or reduction in pay or position of employees serving an initial probationary period, grievance procedures shall be provided in plan established pursuant to section 18.

Subd. 4. [APPEALS; PUBLIC HEARINGS, FINDINGS.] *Any permanent employee who is discharged, suspended without pay or reduced in pay or position may appeal to the chief hearing examiner of the office of administrative hearings within 30 days after the effective date of the discharge, suspension or reduction in pay or position. Any permanent employee who is covered by a collective bargaining agreement may elect to appeal to the chief hearing examiner within 30 days after the effective date of the discharge, suspension or reduction in pay or position if the collective bargaining agreement provides that option. In no event may an employee use both the procedure under this section and the grievance procedure available pursuant to sections 179.61 to 179.76. Within ten days of receipt of the employee's written notice of appeal, the chief hearing examiner shall assign a hearing examiner to hear the appeal.*

The hearing shall be conducted pursuant to the contested case provisions of chapter 15 and the procedural rules adopted by the chief hearing examiner. Prior to the hearing, both parties may stipulate on mutually agreed matters relevant to the disciplinary action. The issues and facts on which agreement has not been reached will be decided during the hearing at which technical rules of evidence shall not apply. If the hearing examiner finds, based on the hearing record, that the action appealed was not taken by the appointing authority for just cause, the employee shall be reinstated to his position, or an equal position in another division within the same agency, without loss of pay. If the hearing examiner finds that there exists sufficient grounds for institution of the appointing authority's action but the hearing record establishes extenuating circumstances, he may in his discretion reinstate the employee, with full, partial, or no pay, or may modify the appointing authority's action. The hearing examiner's order shall be the final decision, but it may be appealed according to the provisions of section 15.0424. Settlement of the entire dispute by mutual agreement is encouraged at any stage of the proceedings. Any

settlement agreement shall be final and binding when signed by all parties and submitted to the chief hearing examiner of the office of administrative hearings. Except as provided in collective bargaining agreements the appointing authority shall bear the costs of the hearing examiner for hearings provided for in this section.

Sec. 34. [43A.34] [RETIREMENT.]

Subdivision 1. [AGE.] *Employees in the executive branch who are subject to the provisions of the Minnesota state retirement system or the teacher's retirement association must retire from employment by the state upon reaching the age of 70 except as provided in other law.*

Subd. 2. [PHYSICIANS EXEMPTED.] *Notwithstanding any provision to the contrary, a physician in the civil service may upon reaching the maximum retirement age specified in subdivision 1, continue to be employed subject to annual certification by his appointing authority to the commissioner that the employee is physically and mentally competent to fulfill the duties of his position.*

Subd. 3. [CORRECTIONAL PERSONNEL EXEMPTED.] *Notwithstanding the provisions of subdivision 1, any employee of the state of Minnesota in a covered classification as defined in section 352.91, who is a member of the special retirement program for correctional personnel established pursuant to sections 352.90 to 352.95, may elect or be required to retire from employment in the covered correctional position upon reaching the age of 55 years.*

A correctional employee occupying a position covered by provisions of section 352.91, desiring employment beyond the conditional mandatory retirement age shall, at least 30 days prior to the date of reaching the conditional mandatory retirement age of 55 years, and annually thereafter, request in writing to his appointing authority that he be authorized to continue in employment in the covered position. Upon receiving the request, the appointing authority shall have a medical examination made of the employee. If the results of the medical examination establish the mental and physical ability of the employee to continue the duties of his employment, he shall be continued in his employment for the following year. If the determination of the appointing authority based upon the results of the physical examination is adverse, the disposition of the matter shall be decided by the commissioner of corrections or, for employees of the Minnesota security hospital, the commissioner of public welfare. Based on the information provided, the decision of the applicable commissioner shall be made in writing and shall be final.

Subd. 4. [CONSERVATION AND CRIME BUREAU OFFICERS EXEMPTED.] *Notwithstanding any provisions of chapter 352B or any other law to the contrary, conservation officers and crime bureau officers who were first employed on or after July 1, 1973 and are members of the highway patrolmen's retirement association by reason of their employment, shall not continue employment after attaining the age of 60 years, except for a fractional portion of one year that will enable the employee to complete his next full year of allowable service. Notwithstanding any provisions of chapter 352B or any other law to the contrary, conservation officers and crime bureau officers who were first employed and are members of the highway patrolmen's retirement association by reason of their employment before July 1, 1973, shall be governed by the same mandatory retirement rules applied to other employees who are covered*

by the Minnesota state retirement system.

Sec. 35. [43A.35] [DEATH BENEFIT FOR RETIRED EMPLOYEES.]

Employees who retire from the civil service on or after July 1, 1977, and before July 1, 1981, shall be entitled to a $500 cash death benefit payable to a beneficiary designated by the employee, if, at the time of the employee's death, the employee is entitled to an annuity under a state retirement program. A $500 cash death benefit shall also be payable to the designated beneficiary of an employee who becomes totally and permanently disabled after July 1, 1979, and before July 1, 1981, and who at the time of death is receiving a state disability benefit and is eligible for a deferred annuity under a state retirement program.

Employees who retire from the civil service on or after July 1, 1981 shall be entitled to a cash death benefit payable to a beneficiary designated by the employee if provided in collective bargaining agreements or plans pursuant to section 18 in effect at the time of the employee's retirement.

Sec. 36. [43A.36] [RELATIONSHIPS WITH OTHER AGENCIES AND JURISDICTIONS.]

Subdivision 1. [COOPERATION; STATE AGENCIES.] *The commissioner may delegate administrative functions associated with the duties of the commissioner to appointing authorities who have the capability to perform such functions when the commissioner determines that it is in the best interests of the state civil service. The commissioner shall consult with agencies and agencies shall cooperate as appropriate in implementation of this act.*

The commissioner, in conjunction with appointing authorities, shall analyze and assess current and future human resource requirements of the civil service and coordinate personnel actions throughout the civil service to meet the requirements. The commissioner shall permit appointing authorities to use eligible lists in making appointments to positions in the unclassified service and shall provide recruiting assistance.

The head of each agency in the executive branch shall designate an agency personnel officer. The agency personnel officer shall be accountable to the agency head for all personnel functions prescribed by laws, rules, collective bargaining agreements, the commissioner and the agency head. Except when otherwise prescribed by the agency head in a specific instance, the personnel officer shall be assumed to be the authority accountable to the agency head over any other officer or employee in the agency for personnel functions.

The head of each agency in the executive branch shall designate an affirmative action officer who shall have primary responsibility for the administration of the agency's affirmative action plan. The officer shall report directly to the head of the agency on affirmative action matters.

Subd. 2. [SERVICES AVAILABLE TO POLITICAL SUBDIVISIONS.] *The services and facilities of the department and its staff may be made available upon request to political subdivisions of the state. Enforcement and administration of other provisions of this act shall take precedence over the provision of the services and facilities. Political subdivisions shall reimburse the state for the reasonable cost of services and facilities.*

Subd. 3. [SERVICES EXCHANGED WITH OTHER JURISDICTIONS.]

The commissioner may enter into arrangements with personnel agencies in other jurisdictions to exchange services. The commissioner may also join or subscribe to any association or service having as its purpose the interchange of information relating to the practices of personnel administration and labor relations. The commissioner is authorized as an agent of the state of Minnesota to enter into contracts, compacts or cooperative agreements involving matters of personnel and labor relations with other governments within the United States.

Sec. 37. [43A.37] [PAYROLLS.]

Subdivision 1. [CERTIFICATION.] *Neither the commissioner of finance nor any other fiscal officer of this state shall draw, sign, or issue, or authorize the drawing, signing, or issuing of any warrant on the treasurer or other disbursing officer of the state, nor shall the treasurer or other disbursing officer of the state pay any salary or compensation to any person in the civil service, unless a payroll register for the salary or compensation containing the name of every person to be paid shall bear the certificate of the commissioner that the persons named in the payroll register have been appointed, as required by law, rules, or administrative procedures and that the salary or compensation is within the compensation plan fixed pursuant to law. The appointing authority shall certify that all employees named in the payroll register are performing service as required by law. This provision shall not apply to positions defined in section 8, subdivision 1, clauses (f), (g), (h) and (j). Employees to whom this subdivision does not apply may be paid on the state's payroll system and the appointing authority or fiscal officer submitting their payroll register shall be responsible for the accuracy and legality of the payments.*

Salary or compensation claims presented against existing appropriations, which have been deemed in violation of the provisions of this subdivision, may be certified for payment if, upon investigation, the commissioner determines the personal services for which payment is claimed actually have been rendered in good faith without collusion and without intent to defraud.

Subd. 2. [SALARIES PAID CONTRARY TO PROVISIONS RECOVERED FROM APPOINTING OFFICER.] *Any sum intentionally paid contrary to the provisions of this section may be recovered from any officer making the appointments in contravention of the provisions of law or the rules, or from any officer signing or countersigning or authorizing the signing or countersigning of any warrant for the payment of the sum, or from the sureties on the official bond of any officer, in an action maintained by the commissioner in the district court of any county within the state. All moneys recovered in any action brought under this section when collected shall be paid into the state treasury.*

Subd. 3. [ACTION AGAINST APPOINTING OFFICERS; NOT REIMBURSED FOR SUMS PAID.] *Any person appointed contrary to the provisions of this chapter and the rules, whose payroll or account is refused certification, shall have an action against the employee employing or appointing or attempting to appoint the person for the amount due by reason of the employment or purported employment and the costs of the action. No employee, during the time of official service, or thereafter, shall be reimbursed by the state for any sum recovered in any court action under subdivision 2.*

Sec. 38. [43A.38] [CODE OF ETHICS FOR OFFICERS AND EMPLOYEES IN THE EXECUTIVE BRANCH.]

Subdivision 1. [PURPOSE.] *Employees in the executive branch shall have equal opportunity with all citizens to develop private, economic, and social interests; however, it is necessary to distinguish between those minor and inconsequential conflicts which are unavoidable in a free society and those conflicts which are substantial and material and conflict with the employee's responsibility to the public. This section shall not be interpreted to apply to any activity which is protected by 179.61 to 179.76, collective bargaining agreements and practices thereunder nor to prevent a current or former employee from accepting employment with a labor or employee organization representing employees.*

Subd. 2. [DEFINITIONS.] *For the purpose of this section the following definitions shall apply:*

(a) "Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity which engages either in non-profit or profit making activities.

(b) "Confidential information" means any information obtained under government authority which has not become part of the body of public information and which, if released prematurely or in non-summary form, may provide unfair economic advantage or adversely affect the competitive position of an individual or a business.

(c) "Private interest" means any interest, including but not limited to a financial interest, which pertains to a person or business whereby the person or business would gain a benefit, privilege, exemption or advantage from the action of a state agency or employee that is not available to the general public.

Subd. 3. [ACCEPTANCE OF GIFTS; FAVORS.] *Employees in the executive branch in the course of or in relation to their official duties shall not directly or indirectly receive or agree to receive any payment of expense, compensation, gift, reward, gratuity, favor, service or promise of future employment or other future benefit from any source, except the state for any activity related to the duties of the employee unless otherwise provided by law. However, the acceptance of any of the following shall not be a violation of this subdivision:*

(a) Advertising gifts of nominal value having wide distribution.

(b) Plaques or similar momentos recognizing individual services in a field of specialty or to a charitable cause.

(c) Payment of reimbursement expenses for travel or meals, not to exceed actual expenses incurred, which are not reimbursed by the state and which have been approved in advance by the appointing authority as part of the work assignment.

(d) Honoraria or expenses paid for papers, talks, demonstrations or appearances made by employees on their own time for which they are not compensated by the state.

Subd. 4. [USE OF CONFIDENTIAL INFORMATION.] *An employee in the executive branch shall not use confidential information to further the employee's private interest, and shall not accept outside employment or involvement in a business or activity that will require the employee to disclose or use*

confidential information.

Subd. 5. [USE OF STATE PROPERTY.] *An employee shall not use or allow the use of state time, supplies or state owned or leased property and equipment for the employee's private interests or any other use not in the interest of the state, except as provided by law.*

Subd. 6. [CONFLICTS OF INTEREST.] *The following actions by an employee in the executive branch shall be deemed a conflict of interest and subject to procedures regarding resolution of the conflicts, section 39 or disciplinary action as appropriate:*

(a) Use or attempted use of the employee's official position to secure benefits, privileges, exemptions or advantages for the employee or the employee's immediate family or an organization with which the employee is associated which are different from those avaiable to the general public;

(b) acceptance of other employment or contractual relationship that will affect the employee's independence of judgment in the exercise of official duties; or

(c) actions as an agent or attorney in any action or matter pending before the employing agency except in the proper discharge of official duties or on the employee's behalf.

Subd. 7. [DETERMINATION OF CONFLICTS OF INTEREST.] *When an employee believes the potential for a conflict of interest exists, it is the employee's duty to avoid the situation. A confict of interest shall be deemed to exist when a review of the situation by the employee, the appointing authority or the commissioner determines any one of the following conditions to be present:*

(a) the use for private gain or advantage of state time, facilities, equipment or supplies or badge, uniform, prestige or influence of state office or employment;

(b) receipt or acceptance by the employee of any money or other thing of value from anyone other than the state for the performance of an act which the eployee would be required or expected to perform in the regular course or hours of state eployment or as part of the duties as an employee;

(c) employment by a business which is subject to the direct or indirect control, inspection, review, audit or enforcement by the employee;

(d) the performance of an act in other than the employee's official capacity which may later be subject directly or indirectly to the control, inspection, review, audit or enforcement by the employee. If the employee, appointing authority or commissioner determine that a conflict of interest exists, the employee shall, if possible, assign the matter to another employee who does not have a conflict of interest. If it is not possible to assign the matter to an employee who does not have a conflict of interest, interested persons shall be notified of the conflict and the employee may proceed with the assignment.

Subd. 8. [PRECEDENCE OF CHAPTER 10A.] *Where specific provisions of chapter 10A apply to employees and would conflict with this section, the provisions of chapter 10A shall apply.*

Sec. 39. [43A.39] [COMPLIANCE WITH LAW.]

Subdivision 1. [PROHIBITED ACTS; PENALTIES.] *All employees shall comply with and aid in all proper ways the enforcement of the provisions of this act. No employee or any other person shall intentionally:*

(a) Make any false oral or written statement, mark, rating or report concerning any application, examination, certification or appointment made under provisions of this act or in any manner commit or attempt to commit any fraud preventing the impartial execution of this act;

(b) Directly or indirectly, give, render, pay, offer, solicit, or accept any money, service or other valuable consideration for any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in obtaining, a position in the civil service;

(c) Defeat, deceive or obstruct any person in rights to examination, eligibility, certification or appointment under this act, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to appointment, advancement or retention in the classified service;

(d) Violate the provisions of sections 37 or 38; or

(e) If in the classified service, engage in activities prohibited by section 32.

Subd. 2. [NONCOMPLIANCE.] *Any employee who intentionally fails to comply with the provisions of this act shall be subject to disciplinary action and action pursuant to chapter 609. An appointing authority shall report in writing to the legislative auditor when there is probable cause to believe that a substantial violation has occurred. Any person convicted of a misdemeanor based on violations of this act shall be ineligible for appointment in the civil service for three years following conviction.*

Subd. 3. [VIOLATIONS; POSITION VACATED.] *Intentional violation of section 37 may be cause for disciplinary action and conviction of an employee in the classified service under section 32 of this act shall render the position vacant.*

Sec. 40. [43A.40] [JOB SHARING; TEMPORARY.]

The purpose of sections 40 to 46 is to increase career opportunities in the Minnesota state service through job sharing.

Sec. 41. [43A.41] [DEFINITIONS.]

Subdivision 1. [INTERPRETATION.] *For the purposes of sections 40 to 46 the following terms shall have the meanings given them in this section.*

Subd. 2. [AGENCY.] *"Agency" means a department, agency, commission, board, institution, or other entity in the executive branch in which all positions are under the same appointing authority.*

Subd. 3. [COORDINATOR.] *"Coordinator" means the coordinator of the Minnesota demonstration job sharing program.*

Subd. 4. [SHARED POSITION.] *"Shared position" means a classified position which has been converted from a full-time position into part-time positions of equivalent class for purposes of sections 40 to 46.*

Subd. 5. [PROGRAM.] *"Program" means the Minnesota demonstration*

job sharing program.

Subd. 6. [APPROPRIATE SHARED TIME PERCENT.] *"Appropriate shared time percent" means the percent of full-time hours allocated to a particular shared time position.*

Sec. 42. [43A.42] [POSITIONS AFFECTED.]

A total of 50 full-time positions within agencies of state government shall be selected for inclusion within the program. These positions shall be selected within as few separate agencies as possible, and in no case shall positions be selected in more than ten agencies. No fewer than 15 of these positions shall be either professional, supervisory or managerial positions. In no instance shall a person in a shared time position work less than 40 percent time. No position shall be selected if it is contained in a unit which is represented by an exclusive representative which has a collective bargaining agreement covering the unit unless the exclusive representative agrees to the selection. All shared time positions shall be equivalent in classification to the full-time position from which they are converted.

Sec. 43. [43A.43] [PROGRAM MANAGEMENT.]

Subdivision 1. [COORDINATOR.] *The commissioner shall designate from among the employees of the department a coordinator of the program.*

Subd. 2. [DUTIES AND POWERS.] *The coordinator shall have the following powers and duties to:*

(a) Select, in cooperation with the affected agencies and the commissioner, the agencies and the positions within the agencies to be included in the program;

(b) Design and implement, in cooperation with the affected agencies and the commissioner, an evaluation plan for the program, in accordance with accepted research criteria, to ascertain the effect of job sharing on employee satisfaction, productivity, absenteeism, administrative and supervisory time demands, and increased costs both direct and indirect, as well as any other relevant impact on employer or employee;

(c) Coordinate the conversion of full-time to shared positions in the affected agencies and to assist in the design of the shared positions, with attention to employee and employer needs and to the potential for replicability of the program experience in other agencies throughout state government. All shared positions shall be equivalent in classification to the full-time position from which they are converted;

(d) Assist the affected agencies and the commissioner in recruitment, selection and hiring for the affected positions;

(e) Assist both supervisors and employees in the affected agencies in the transition to shared positions under the program and to recommend to the commissioner any modifications in rules, executive authority or statutes deemed desirable to effectuate the purposes of sections 40 to 46;

(f) Monitor the positions selected pursuant to section 41, in cooperation with the affected agencies and the commissioner, throughout the term of the program; and

(g) Assist the commissioner in reporting to the governor and the legislature

on January 1, 1981 and January 1, 1982. The commissioner's report shall provide an evaluation of the experience of the program, with attention to the items listed in clause (b) in addition to any other relevant information, and shall offer recommendations concerning the further increase of shared positions in the state service.

Sec. 44. [43A.44] [TOTAL COMPENSATION.]

Subdivision 1. [SALARIES; CLASS.] *A position selected by the coordinator pursuant to section 43 shall be divided into shared positions to be paid at the rate of the appropriate shared time percent of the otherwise appropriate salary. The classification of a shared position shall be the same as that applicable to the full-time position from which it is converted.*

Subd. 2. [BENEFITS.] *Employees in shared positions shall be eligible for the following benefits and subject to the following obligations:*

(a) Membership in the Minnesota state retirement system, the teachers retirement association or the highway patrol retirement fund, whichever is appropriate. This provision shall be retroactive to July 1, 1980;

(b) Vacation and sick leave accrual at the rate of the appropriate shared time percent of the entitlement of comparable full-time employees;

(c) Employee dental, medical and hospital benefits coverage shall be available of the same type and coverage afforded to comparable full-time employees. Employees in shared positions who elect such coverage shall pay, by payroll deduction, the difference between the actual cost to the employer and the appropriate shared time percent of the actual cost. The remaining percent shall be paid by the employer. Employee life insurance coverage shall be available to employees in shared positions on the same terms as for comparable full-time employees;

(d) Dependent life insurance coverage shall be available to employees in shared positions on the same terms as for comparable full-time employees. Dependent medical, hospital and dental benefits coverage shall be available to employees in shared positions of the same type and coverage afforded to comparable full-time employees, except that the employer shall contribute the appropriate shared time percent of the dollar amount contributed for comparable full-time employees electing the same program, the remainder to be paid by payroll deduction by the employee electing such coverage;

(e) Employees in shared positions shall be entitled to the appropriate shared time percent of the holiday pay to which comparable full-time employees are entitled for holidays observed by the full-time employees whenever the employee in a shared position would otherwise be scheduled to work on that day. The employee may be allowed to reschedule working hours to avoid any loss in pay due to the prorating of holiday pay. When an employee in a shared position is not scheduled to work on an observed holiday, the next scheduled working day shall be treated as the holiday;

(f) Employees in shared positions shall accrue seniority time in every relevant category at the same rate accorded to comparable full-time employees. No full-time employee accepting a shared position shall suffer any loss of or gap in seniority time in the relevant categories applicable to the full-time employment; and

(g) Any other benefits of employment for employees in shared positions shall be prorated at a rate of the appropriate shared time percent of those available to comparable full-time employees, whenever the benefits are divisible. Contributions by the employer toward the benefits, if any, shall be equal to the appropriate shared time percent of the full-time benefits. When not divisible, the cost of the full-time benefits normally allocable to the employer shall be allocated, the appropriate shared time percent to the employee in a shared position, by payroll deduction, and the remaining percent to the employer.

Sec. 45. [43A.45] [ACCEPTANCE OF SHARED POSITIONS.]

No employee holding a full-time or three-quarter time position on July 1, 1980 shall be required to accept a shared position pursuant to sections 40 to 46.

Sec. 46. [43A.46] [CONFLICTING LAWS.]

Sections 40 to 46 shall be given effect notwithstanding any law or rule to the contrary. Sections 40 to 46 shall not affect, except as expressly provided therein, any existing labor agreement or personnel rule.

Sec. 47. [210A.081] [POLITICAL ACTIVITIES PROHIBITED BY EMPLOYEES OF POLITICAL SUBDIVISIONS.]

No officer, agent, clerk, or employee of any political subdivision shall, directly or indirectly, during his hours of employment solicit or receive funds or at any time use his authority or official influence to compel any officer or employee in the classified service to apply for membership in or become a member of any organization, or to pay or promise to pay any assessment, subscription, or contribution, or to take part in any political activity. Any person who violates any provision of this section shall be guilty of a misdemeanor, and shall be punished accordingly, and if any officer or employee in the classified service is found guilty of violating any provision of this section, he is automatically separated from the service.

Sec. 48. [TRANSITIONAL PROVISIONS.]

All rights, privileges, liabilities and obligations possessed or created under chapter 43, shall be continued if they are consistent and compatible with the provisions of this act.

Sec. 49. [REVISOR'S INSTRUCTION.]

In the next and subsequent editions of Minnesota Statutes, the revisor of statutes shall, in each section referred to in column A, strike the reference referred to in column B and insert the reference set forth in column C. The revisor shall substitute the appropriate coding for the references in column C, for those sections which will be coded.

Column A	*Column B*	*Column C*
3.855, Subd. 3	*43.064*	*Section 18, Subd. 4*
3.855, Subd. 3	*43.113*	*Section 18, Subd. 2*
12.24, Subd. 2	*43.327*	*Section 18*
15.06, Subd. 8	*43.09, Subd. 2a*	*Section 8, Subd. 2*
15.61, Subd. 2	*43.30*	*Section 11*
15A.13	*43.127, Subd. 6*	*Section 18, Subd. 3*
16A.752, Subd. 1	*43.18*	*Section 13*

21.51, Subd. 6	*43.01*	*Section 1*
79.095	*43.067*	*Section 17, Subd. 1*
121.21, Subd. 11	*43.45*	*Section 23*
136.25	*43.45*	*Section 23*
136.62, Subd. 6	*43.45*	*Section 23*
179.66, Subd. 1	*43.127*	*Section 18, Subd. 3*
179.74, Subd. 1	*43.01, Subd. 11*	*Section 2, Subd. 5*
179.74, Subd. 4	*43.126*	*Section 17, Subd. 4*
179.74, Subd. 4	*43.326*	*Section 18, Subd. 3*
179.741, Subd. 2	*43.064*	*Section 18, Subd. 4*
183.39, Subd. 2	*43.09, Subd. 4*	*Section 2, Subd. 12*
196.14	*43.30*	*Section 11*
197.455	*43.30*	*Section 11*
197.481, Subd. 1	*43.30*	*Section 11*
271.01, Subd. 4a	*43.329*	*Section 4, Subd. 3*
299A.02, Subd. 1	*43.24*	*Section 33*
299F.051, Subd. 2	*43.09 to 43.17*	*Sections 1 to 48*
352D.02, Subd. 1	*43.09, Subd. 2a*	*Section 8, Subd. 2*
354.44, Subd. 1a	*43.30*	*Section 11*
357.09, Subd. 2	*43.327*	*Section 18, Subd. 2*
462A.04, Subd. 8	*43.09, Subd. 2a*	*Section 8, Subd. 2*
473.606, Subd. 5	*43.051, Subd. 1*	*Section 34*
626.85, Subd. 1	*43.09 to 43.17*	*Sections 1 to 48*

Sec. 50. [REPEALER.]

Minnesota Statutes 1980, Chapter 43 is repealed. Section 2, subdivision 22; section 4, subdivisions 1 and 4; section 8; section 13; section 15; section 17, subdivisions 2 and 3; section 18, subdivisions 3 and 4; section 33; and section 38 are repealed effective June 30, 1982; sections 40 to 46 are repealed effective June 30, 1982.

Sec. 51. [EFFECTIVE DATE.]

This act is effective July 1, 1981. ''

Amend the title as follows:

Page 1, line 5, after the semicolon, insert ''proposing new law coded in Minnesota Statutes, Chapter 210A;''

Page 1, line 5, after ''Statutes'' insert ''1980''

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Public Employees and Pensions, to which was referred

S. F. No. 207: A bill for an act relating to retirement; making various changes in the laws governing the operation of the public employees retirement association; amending Minnesota Statutes 1980, Section 353.01, Subdivision 19; 353.03, Subdivisions 1, 2, and 5; 353.15; 353.27, Subdivision 4; 353.28, Subdivision 5; 353.29, Subdivision 8; 353.31, Subdivision 1; 353.32, Subdivision 9; 353.33, Subdivisions 4, 5, and 6; 353.46, Subdivision 1; 353.64, Subdivisions 1 and 6; 353.656, Subdivision 2; and 353.657, Subdivision 3; repealing Minnesota Statutes 1980, Sections 353.017, Subdivision 5; 353.272; and 353.37, Subdivision 1a.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 32, strike ''nominee may withdraw his'' and after ''name''

insert "*may be withdrawn*" and after "nomination" insert "*by the nominee*"

Page 4, delete section 4 and insert:

"Sec. 4. Minnesota Statutes 1980, Section 353.03, Subdivision 3a, is amended to read:

Subd. 3a. [DUTIES AND POWERS OF THE EXECUTIVE DIRECTOR.] The management of the association is vested in the executive director who shall be the executive and administrative head of the association. He shall act as adviser to the board on all matters pertaining to the association. He shall also act as the secretary of the board. It is the duty of the executive director and he has the power to:

(1) Attend all meetings of the board;

(2) Prepare and recommend to the board rules and regulations for the purpose of carrying out the provisions of this chapter;

(3) Establish and maintain an adequate system of records and accounts following recognized accounting principles and controls;

(4) Designate an assistant director with the approval of the board, and appoint such employees, both permanent and temporary, as are necessary to carry out the provisions of said chapter, and with the approval of the board fix their compensation;

(5) Organize the work of the association as he deems necessary to fulfill the functions of the association, and define the duties of its employees and delegate to them any of his powers or duties, subject to his control and under such conditions as he may prescribe;

(6) With the approval of the board, contract for actuarial services, professional management services, and consulting services as may be necessary and fix the compensation therefor. Such contracts shall not be subject to the competitive bidding procedure prescribed by chapter 16. ~~Professional management services may not be contracted for more often than once in every six years.~~ Copies of all professional management survey reports shall be sent directly to the legislature and the legislative auditor at the same time reports are furnished the board. Only management firms experienced in conducting management surveys of federal, state or local public retirement systems shall be qualified to contract with the director hereunder;

(7) With the approval of the board provide inservice training for all employees of the association;

(8) Make refunds of accumulated contributions to former members and to the designated beneficiary, surviving spouse, legal representative or next of kin of deceased members or deceased former members, all as provided in this chapter;

(9) Determine the amount of the annuities and disability benefits of members covered by the association and authorize payment thereof beginning as of the dates such annuities and benefits begin to accrue, all in accordance with the provisions of said chapter;

(10) Pay annuities, refundments, survivor benefits, salaries and all necessary operating expenses of the association;

(11) Prepare and submit to the board and the legislature an annual report covering the operation of the association, as required by chapter 356;

(12) With the approval of the board, perform such other duties as may be required for the administration of the association and the other provisions of this chapter and for the transaction of its business."

Page 4, line 29, strike "AND TAXATION"

Page 6, line 30, delete "*annually*" and insert "*periodically at times specified by the board of trustees*"

Page 6, line 36, strike "he" and insert "*the person*"

Page 7, line 7, strike "his"

Page 7, line 8, strike "his" and insert "*the*"

Page 7, line 9, after "children" insert "*of the member*"

Page 7, line 32, strike "his or her" and insert "*the*" and after "remarriage" insert "*of the spouse*"

Page 8, line 19, delete "*he*" and insert "*the amount*" and delete "*hold or use such amount as trustee*" and insert "*be held or used in trust*"

Page 9, line 17, strike "him" and insert "*the person*"

Page 9, line 19, strike "him" and insert "*the person*"

Page 9, line 25, after "*benefits*" insert "*shall be*"

Page 10, delete section 14

Page 10, line 27, strike "he" and insert "*the person*"

Page 10, line 28, strike "his" and strike "said" and insert "*the*"

Page 11, line 21, strike "his" and insert "*that*"

Page 12, line 12, strike "him" and insert "*the member*"

Page 12, line 13, strike "he" and insert "*the member*"

Page 12, line 14, strike "less" and insert "*with disability benefits paid reimbursed and future benefits reduced by*"

Page 12, line 15, strike "him" and insert "*the member*"

Page 12, line 19, after "3" insert a comma

Page 12, line 31, delete "*he*" and insert "*the amount*" and delete "*hold or use such amount as trustee*" and insert "*be held or used in trust*"

Page 13, line 2, delete "*and*" and after "*1a*" insert "*; and 353.46, Subdivision 1*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete "5" and insert "3a"

Page 1, line 9, delete "353.46, Subdivision 1;"

Page 1, line 13, delete "and" and after "1a" insert "; and 353.46, Subdivision 1"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Public Employees and Pensions, to which was referred

S. F. No. 1079: A bill for an act relating to retirement; providing for an exemption from membership therein for city managers; proposing new law coded in Minnesota Statutes, Chapter 353.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 20, delete ", *by written*"

Page 1, delete line 21

Page 1, line 22, delete "*with the board,*"

Page 1, line 23, after the period, insert "*The election of exclusion shall be made within 30 days following the commencement of employment or within 30 days following the effective date of this act, whichever occurs later, in writing on a form prescribed by the executive director and shall be approved by a resolution of the governing body of the city. The election of exclusion shall not be effective until it is filed with the executive director.*"

Page 1, line 25, delete "*board*" and insert "*executive director*"

Page 1, line 25, after the period, insert "*The election to be excluded from membership shall include a provision agreeing that the person will not at any time in the future seek any authorization to purchase service credit for any period of excluded service and shall be irrevocable.*"

Page 2, line 1, delete "*When*" and insert "*If*"

Page 2, line 2, after "*election*" insert "*of exclusion*"

Page 2, line 2, after "*made*" insert ", *and if the city manager and the governing body of the city agree in writing that the additional compensation is to be deferred and shall be contributed on behalf of the city manager to a deferred compensation program which meets the requirements of section 457 of the federal Internal Revenue Code of 1954, as amended through December 31, 1980,*"

Page 2, line 7, delete everything after "*association*" and insert a period

Page 2, delete lines 8 to 10

Page 2, line 13, after "*or*" insert ", *if otherwise qualified,*"

Page 2, line 18, delete "*city manager is*" and insert " *election shall be*"

Page 2, line 19, after "*have*" insert "*been*" and delete "*the election*"

Page 2, after line 20, insert:

"Sec. 2. Minnesota Statutes 1980, Section 290.01, Subdivision 20, is amended to read:

Subd. 20. [GROSS INCOME.] Except as otherwise provided in this chapter, the term "gross income," as applied to corporations includes every kind of compensation for labor or personal services of every kind from any

private or public employment, office, position or services; income derived from the ownership or use of property; gains or profits derived from every kind of disposition of, or every kind of dealing in, property; income derived from the transaction of any trade or business; and income derived from any source; except that gross income shall not include "exempt function income" of a "homeowners association" as those terms are defined in Section 528 of the Internal Revenue Code of 1954, as amended through December 31, 1979.

The term "gross income" in its application to individuals, estates, and trusts shall mean the adjusted gross income as computed for federal income tax purposes as defined in the Internal Revenue Code of 1954, as amended through the date specified herein for the applicable taxable year, with the modifications specified in this section.

(i) The Internal Revenue Code of 1954, as amended through December 31, 1974, shall be in effect for the taxable years beginning after December 31, 1974.

(ii) The Internal Revenue Code of 1954, as amended through December 31, 1976, including the amendments made to section 280A (relating to licensed day care centers) in H.R. 3477 as it passed the Congress on May 16, 1977, shall be in effect for the taxable years beginning after December 31, 1976. The provisions of the Tax Reform Act of 1976, P.L. 94-455, which affect adjusted gross income shall become effective for purposes of this chapter at the same time they become effective for federal income tax purposes. Section 207 (relating to extension of period for nonrecognition of gain on sale or exchange of residence) and section 402 (relating to time for making contributions to pension plans of self employed people) of P.L. 94-12 shall be effective for taxable years beginning after December 31, 1974.

The provisions of section 4 of P.L. 95-458, and sections 131, 133, 134, 141, 152, 156, 157, and 405 of P.L. 95-600 (relating to pensions, individual retirement accounts, deferred compensation plans, and to the sale of a residence) shall be effective at the same time that these provisions became effective for federal income tax purposes.

(iii) The Internal Revenue Code of 1954, as amended through December 31, 1979, shall be in effect for taxable years beginning after December 31, 1979.

For taxable years beginning after December 31, 1980 and before January 1, 1983, the provisions of section 404 (relating to partial exclusions of dividends and interest received by individuals) of the Crude Oil Windfall Profit Tax Act of 1980, P.L. 96-223, shall apply.

References to the Internal Revenue Code of 1954 in clauses (a), (b) and (c) following shall mean the code in effect for the purpose of defining gross income for the applicable taxable year.

(a) Modifications increasing federal adjusted gross income. There shall be added to federal adjusted gross income:

(1) Interest income on obligations of any state other than Minnesota or a political subdivision of any other state exempt from federal income taxes under the Internal Revenue Code of 1954;

(2) Interest income on obligations of any authority, commission, or instrumentality of the United States, which the laws of the United States exempt

from federal income tax, but not from state income taxes;

(3) Income taxes imposed by this state or any other taxing jurisdiction, to the extent deductible in determining federal adjusted gross income and not credited against federal income tax;

(4) Interest on indebtedness incurred or continued to purchase or carry securities the income from which is exempt from tax under this chapter, to the extent deductible in determining federal adjusted gross income;

(5) Amounts received as reimbursement for an expense of sickness or injury which was deducted in a prior taxable year to the extent that the deduction for the reimbursed expenditure resulted in a tax benefit;

(6) The amount of any federal income tax overpayment for any previous taxable year, received as refund or credited to another taxable year's income tax liability, proportionate to the percentage of federal income tax that was claimed as a deduction in determining Minnesota income tax for the previous taxable year.

The overpayment refund or credit, determined with respect to a husband and wife on a joint federal income tax return for a previous taxable year, shall be reported on joint or separate Minnesota income tax returns. In the case of separate Minnesota returns, the overpayment shall be reported by each spouse proportionately according to the relative amounts of federal income tax claimed as a deduction on his or her separate Minnesota income tax return for such previous taxable year;

(7) In the case of a change of residence from Minnesota to another state or nation, the amount of moving expenses which exceed total reimbursements and which were therefore deducted in arriving at federal adjusted gross income;

(8) In the case of property disposed of on or after January 1, 1973, the amount of any increase in the taxpayer's federal tax liability under section 47 of the Internal Revenue Code of 1954 to the extent of the credit under section 38 of the Internal Revenue Code of 1954 that was previously allowed as a deduction either under section 290.01, subdivision 20 (b) (7) or under section 290.09, subdivision 24;

(9) Expenses and losses arising from a farm which are not allowable under section 290.09, subdivision 29;

(10) Expenses and depreciation attributable to substandard buildings disallowed by section 290.101;

(11) The amount by which the gain determined pursuant to section 41.59, subdivision 2 exceeds the amount of such gain included in federal adjusted gross income;

(12) To the extent deducted in computing the taxpayer's federal adjusted gross income for the taxable year, losses recognized upon a transfer of property to the spouse or former spouse of the taxpayer in exchange for the release of the spouse's marital rights;

(13) Interest income from qualified scholarship funding bonds as defined in section 103(e) of the Internal Revenue Code of 1954, if the nonprofit corporation is domiciled outside of Minnesota;

(14) Exempt-interest dividends, as defined in section 852(b)(5)(A) of the

Internal Revenue Code of 1954, not included in federal adjusted gross income pursuant to section 852(b)(5)(B) of the Internal Revenue Code of 1954, except for that portion of exempt-interest dividends derived from interest income on obligations of the state of Minnesota, any of its political or governmental subdivisions, any of its municipalities, or any of its governmental agencies or instrumentalities;

(15) The amount of any excluded gain recognized by a trust on the sale or exchange of property as defined in section 641(c)(1) of the Internal Revenue Code of 1954;

(16) An amount equal to one-sixth of any gain from the sale or other disposition of property deducted under sections 1202(a) and 1202(c)(1) of the Internal Revenue Code of 1954;

(17) To the extent not included in the taxpayer's federal adjusted gross income, the amount of any gain, from the sale or other disposition of property having a lower adjusted basis for Minnesota income tax purposes than for federal income tax purposes. This modification shall not exceed the difference in basis. If the gain is considered a long term capital gain for federal income tax purposes, the modification shall be limited to 50 percent of the portion of the gain. This modification is limited to property that qualified for the energy credit contained in section 290.06, subdivision 14, and to property acquired in exchange for the release of the taxpayer's marital rights contained in section 290.14, clause (9);

(18) The amount of any loss from a source outside of Minnesota which is not allowed under section 290.17 including any capital loss or net operating loss carryforwards or carrybacks resulting from the loss; ~~and~~

(19) The amount of a distribution from an individual housing account which is to be included in gross income as required under clause (c) of section 290.09, subdivision 30; *and*

(20) To the extent excluded from federal adjusted gross income, in the case of a city manager or city administrator who elects to be excluded from the public employees retirement association and who makes contributions to a deferred compensation program pursuant to section 1, the amount of contributions made by the city manager or administrator which is equal to the amount which would have been the city manager's or administrator's employee contribution pursuant to section 353.27, subdivision 2, if he were a member of the public employees retirement association.

(b) Modifications reducing federal adjusted gross income. There shall be subtracted from federal adjusted gross income:

(1) Interest income on obligations of any authority, commission or instrumentality of the United States to the extent includible in gross income for federal income tax purposes but exempt from state income tax under the laws of the United States;

(2) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis for Minnesota income tax purposes than for federal income tax purposes, that does not exceed such difference in basis; but if such gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to 50 per centum of the portion of

the gain. This modification shall not be applicable if the difference in basis is due to disallowance of depreciation pursuant to section 290.101.

(3) Interest or dividend income on securities to the extent exempt from income tax under the laws of this state authorizing the issuance of the securities but includible in gross income for federal income tax purposes;

(4) Losses, not otherwise reducing federal adjusted gross income assignable to Minnesota, arising from events or transactions which are assignable to Minnesota under the provisions of sections 290.17 to 290.20, including any capital loss or net operating loss carryforwards or carrybacks resulting from the losses;

(5) If included in federal adjusted gross income, the amount of any credit received, whether received as a refund or credit to another taxable year's income tax liability, pursuant to chapter 290A, and the amount of any overpayment of income tax to Minnesota, or any other state, for any previous taxable year, whether the amount is received as a refund or credited to another taxable year's income tax liability;

(6) To the extent included in federal adjusted gross income, or the amount reflected as the ordinary income portion of a lump sum distribution under section 402(e) of the Internal Revenue Code of 1954, notwithstanding any other law to the contrary, the amount received by any person (i) from the United States, its agencies or instrumentalities, the Federal Reserve Bank or from the state of Minnesota or any of its political or governmental subdivisions or from any other state or its political or governmental subdivisions, or a Minnesota volunteer firefighter's relief association, by way of payment as a pension, public employee retirement benefit, or any combination thereof, or (ii) as a retirement or survivor's benefit made from a plan qualifying under section 401, 403, 404, 405, 408, 409 or 409A of the Internal Revenue Code of 1954. The maximum amount of this subtraction shall be $11,000 less the amount by which the individual's federal adjusted gross income, plus the ordinary income portion of a lump sum distribution as defined in section 402(e) of the Internal Revenue Code of 1954, exceeds $17,000. In the case of a volunteer firefighter who receives an involuntary lump sum distribution of his pension or retirement benefits, the maximum amount of this subtraction shall be $11,000; this subtraction shall not be reduced by the amount of the individual's federal adjusted gross income in excess of $17,000;

(7) In the case of property acquired on or after January 1, 1973, the amount of any credit to the taxpayer's federal tax liability under section 38 of the Internal Revenue Code of 1954 but only to the extent that the credit is connected with or allocable against the production or receipt of income included in the measure of the tax imposed by this chapter;

(8) To the extent included in the taxpayer's federal adjusted gross income for the taxable year, gain recognized upon a transfer of property to the spouse or former spouse of the taxpayer in exchange for the release of the spouse's marital rights;

(9) The amount of any distribution from a qualified pension or profit sharing plan included in federal adjusted gross income in the year of receipt to the extent of any contribution not previously allowed as a deduction by reason of a change in federal law which was not adopted by Minnesota law for a taxable

year beginning in 1974 or later;

(10) Interest, including payment adjustment to the extent that it is applied to interest, earned by the seller of the property on a family farm security loan executed before January 1, 1982 that is guaranteed by the commissioner of agriculture as provided in sections 41.51 to 41.60;

(11) The first $3,000 of compensation for personal services in the armed forces of the United States or the United Nations, and the next $2,000 of compensation for personal services in the armed forces of the United States or the United Nations wholly performed outside the state of Minnesota. This modification does not apply to compensation defined in clause (b)(6);

(12) The amount of any income earned for personal services rendered outside of Minnesota prior to the date when the taxpayer became a resident of Minnesota. This modification does not apply to compensation defined in clause (b)(6);

(13) In the case of wages or salaries paid or incurred on or after January 1, 1977, the amount of any credit for employment of certain new employees under sections 44B and 51 to 53 of the Internal Revenue Code of 1954 which is claimed as a credit against the taxpayer's federal tax liability, but only to the extent that the credit is connected with or allocable against the production or receipt of income included in the measure of the tax imposed by this chapter;

(14) In the case of work incentive program expenses paid or incurred on or after January 1, 1979, the amount of any credit for expenses of work incentive programs under sections 40, 50A and 50B of the Internal Revenue Code of 1954 which is claimed as a credit against the taxpayer's federal tax liability, but only to the extent that the credit is connected with or allocable against the production or receipt of income included in the measure of the tax imposed by this chapter;

(15) Unemployment compensation to the extent includible in gross income for federal income tax purposes under section 85 of the Internal Revenue Code of 1954;

(16) To the extent included in federal adjusted gross income, severance pay that may be treated as a lump sum distribution under the provisions of section 290.032, subdivision 5;

(17) The amount of any income or gain which is not assignable to Minnesota under the provisions of section 290.17; and

(18) Minnesota exempt-interest dividends as provided by subdivision 27.

(c) Modifications affecting shareholders of electing small business corporations under section 1372 of the Internal Revenue Code of 1954, or section 290.972 of this chapter.

(1) Shareholders in a small business corporation, which has elected to be so taxed under the Internal Revenue Code of 1954, but has not made an election under section 290.972 of this chapter, shall deduct from federal adjusted gross income the amount of any imputed income from the corporation and shall add to federal adjusted gross income the amount of any loss claimed as a result of stock ownership. Also there shall be added to federal adjusted gross income the amount of any distributions in cash or property made by said corporation to its

shareholders during the taxable year.

(2) In cases where the small business corporation has made an election under section 1372 of the Internal Revenue Code of 1954, but has not elected under section 290.972 of this chapter and the corporation is liquidated or the individual shareholder disposes of the stock and there is no capital loss reflected in federal adjusted gross income because of the fact that corporate losses have exhausted the shareholders basis for federal purposes, the shareholders shall be entitled, nevertheless, to a capital loss commensurate to their Minnesota basis for the stock.

(3) In cases where the election under section 1372 of the Internal Revenue Code of 1954 antedates the election under section 290.972 of this chapter and at the close of the taxable year immediately preceding the effective election under section 290.972 the corporation has a reserve of undistributed taxable income previously taxed to shareholders under the provisions of the Internal Revenue Code of 1954, in the event and to the extent that the reserve is distributed to shareholders the distribution shall be taxed as a dividend for purposes of this act.

Items of gross income includible within these definitions shall be deemed such regardless of the form in which received. Items of gross income shall be included in gross income of the taxable year in which received by a taxpayer unless properly to be accounted for as of a different taxable year under methods of accounting permitted by section 290.07, except that (1) amounts transferred from a reserve or other account, if in effect transfers to surplus, shall, to the extent that the amounts were accumulated through deductions from gross income or entered into the computation of taxable net income during any taxable year, be treated as gross income for the year in which the transfer occurs, but only to the extent that the amounts resulted in a reduction of the tax imposed by this act, and (2) amounts received as refunds on account of taxes deducted from gross income during any taxable year shall be treated as gross income for the year in which actually received, but only to the extent that such amounts resulted in a reduction of the tax imposed by this act.

(d) Modification in computing taxable income of the estate of a decedent. Amounts allowable under section 291.07, subdivision 1, clause (2) in computing Minnesota inheritance or estate tax liability shall not be allowed as a deduction in computing the taxable income of the estate unless there is filed within the time and in the manner and form prescribed by the commissioner a statement that the amounts have not been allowed as a deduction under section 291.07 and a waiver of the right to have the amounts allowed at any time as deductions under section 291.07. The provisions of this paragraph shall not apply with respect to deductions allowed under section 290.077 (relating to income in respect of decedents). In the event that the election made for federal tax purposes under section 642(g) of the Internal Revenue Code of 1954 differs from the election made under this paragraph appropriate modification of the estate's federal taxable income shall be made to implement the election made under this paragraph in accordance with regulations prescribed by the commissioner."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after "managers;" insert "modifying the income taxation of

deferred compensation contributions by certain city managers; amending Minnesota Statutes 1980, Section 290.01, Subdivision 20;''

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. 724: A bill for an act relating to game and fish; altering requirements for taking and possession; prescribing penalties; amending Minnesota Statutes 1980, Sections 97.4841, Subdivision 2; 98.45, Subdivision 1; 98.46, Subdivisions 2 and 14; 98.47, Subdivision 7; 98.52, Subdivision 1; 99.27, Subdivision 1; and 101.42, Subdivision 10.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 17, strike the comma

Page 2, lines 17 to 19, delete the new language

Page 2, line 19, strike ''and'' and insert ''. *A license to take deer with bow and arrow may be issued after the opening of a bow and arrow season. A bow and arrow license issued after the opening of a season shall not be valid until the fifth day after it is issued.*''

Page 2, line 22, strike ''first'' and insert ''*last*''

Page 2, line 22, delete ''*rifle*'' and insert ''*bow and arrow season or the last day of any December bow and arrow*''

Page 2, line 22, delete ''*If a December bow*''

Page 2, lines 23 to 26, delete the new language

Page 3, line 15, strike ''only''

Page 5, delete section 8 and insert:

''Sec. 8. Minnesota Statutes 1980, Section 100.29, Subdivision 3, is amended to read:

Subd. 3. ~~It shall be unlawful to have in possession out of doors, except upon target ranges operated under a permit from the commissioner, unless unloaded and contained in a gun case, or unloaded and broken down:~~

~~(1) Any rifle or handgun, except a 22 caliber rim-fire rifle or handgun carried for the sole purpose of taking small game when lawful and using 22 caliber short, long, or long rifle bullets, or any shotgun with slugs, in any territory wherein there is an open season for taking deer with firearms, for a period of ten days preceding and five days succeeding such season;~~

~~(2) Any rifle, except those described in this clause, in a territory open for the taking of deer with shotguns and slugs but not with rifles, during such season; (a) smooth-bore muzzle loading muskets of not less than 45 caliber and rifle muzzle loading muskets of not less than 40 caliber that are incapable of being loaded at the breech, may be possessed and used for the hunting of deer during such open season and (b) 22 caliber rim-fire rifles or handguns carried for the sole purpose of taking small game when lawful and using 22 caliber short,~~

~~long, or long rifle bullets, may be possessed and used during such open deer season;~~

~~(3) Any slugs for use in a shotgun in any territory open for the taking of deer with firearms during the open season, except for slugs carried for the sole purpose of taking deer or bear.~~

Within any area where deer may be taken by firearms, it shall be unlawful during the period beginning the tenth day before the open firearms season and ending the fifth day after the close of the season, inclusive, to have any firearm or ammunition in possession out of doors other than:

(1) Shotguns using shot;

(2) Handguns and rifles using .22 caliber short, long and long rifle cartridges; and

(3) Firearms described in subdivision 9, as legal for taking big game subject to weapon zone restrictions as prescribed by the commissioner, provided the bearer has a big game license on his person and is afield during the time and within the area the big game license is valid.

Except for pistols and revolvers carried in compliance with sections 624.714 to 624.715 and firearms in possession upon target ranges operated under a permit from the commissioner, all firearms carried out of doors other than in conformity with this subdivision must be unloaded and contained in a case or unloaded and contained in the trunk of a car with the trunk door closed.

Sec. 9. Minnesota Statutes 1980, Section 100.29, Subdivision 9, is amended to read:

Subd. 9. ~~Except as provided in subdivision 3, and in this subdivision, it shall be unlawful to take deer, moose, or any other wild animal during deer or moose season in open deer or moose hunting territory with a rifle or firearm which discharges a projectile, the diameter of which is less than twenty-three hundredths of an inch, or to use any cartridge less than 1-3/4 inches in length, and not containing a soft point or expanding bullet, the measurement to include the cartridge or shell and the bullet seated in the usual manner, provided cartridges of 35 caliber or larger may be used, regardless of length, or to use shells containing buckshot, or fine shot except for game birds, and except that smooth-bore muzzle loading muskets of not less than 45 caliber and rifled muzzle loading muskets of not less than 40 caliber that are incapable of being loaded at the breech may be used, and provided further that handguns of the .357, .41, and .44 magnum caliber, using ammunition with a case length of not less than 1.285 inches, and other calibers of similar performance as determined by the commissioner, may be used to take deer, moose, bear, or any wild animal.~~

A firearm or ammunition may be used to take big game if it meets the following requirements:

(1) Handguns, rifles, shotguns and all projectiles used therein shall be at least 23/100ths of an inch in caliber;

(2) All firearms shall be loaded only with ammunition containing single projectiles;

(3) All projectiles shall be of a soft point or an expanding bullet type;

(4) All ammunition shall have a case length of at least 1.285 inches; and

(5) Muzzleloaders must be incapable of being loaded at the breech. Smooth-bore muzzleloaders shall be at least .45 caliber and rifled muzzleloaders shall be at least .40 caliber.

It is unlawful to take big game with a .30 caliber M-1 carbine cartridge or with any other firearm or ammunition which does not meet the requirements provided in clauses (1) to (5)."

Sec. 10. [100.297] [MODEL TRAPPING ORDINANCE.]

Subdivision 1. [CONTENTS.] *Any county, statutory or home rule charter city or town may, in the interests of public safety, impose restrictions upon trapping within the jurisdiction by the adoption of the following model ordinance. The ordinance shall be worded as follows: "No person shall place or set any trap or device designed to kill or capture wild animals upon privately owned lands within the jurisdiction in violation of any law, ordinance or rule pertaining to trespass. No person shall engage in trapping on publicly owned lands within the jurisdiction without possessing a valid permit. A permit shall be issued by the clerk or chief clerical officer of the jurisdiction to any applicant who can satisfactorily demonstrate the following:*

(1) They possess a valid state trapper's license; or

(2) They are under the age of 16 years and have completed a course in trapper education offered by or under the sponsorship of the department of natural resources; or

(3) They have at least three years of previous trapping experience and have not, within the preceding three years, been convicted of a violation of any trapping law, ordinance or rule.

No person shall place or set any trap with a jaw spread greater than six inches upon land.

A violation of this ordinance is a misdemeanor.

Subd. 2. [ADDITIONAL REGULATIONS.] *After January 1, 1982:*

(a) Any regulations or prohibitions on trapping or the sale of traps by a statutory or home rule charter city or by a county or other political subdivision other than the model ordinance provided in subdivision 1 are void and shall not be enforced; and

(b) No such regulations or prohibitions shall be adopted which are different from or in addition to the model ordinance provided in subdivision 1 without prior approval by the commissioner of natural resources. Regulations or prohibitions approved by the commissioner shall be summarized in the synopsis furnished to trapping license applicants.

Sec. 11. [REPEALER.]

Minnesota Statutes 1980, Section 101.42, Subdivision 10, is repealed."

Page 5, line 19, delete "*and*" and after "*6*" insert "*, 8, 9 and 10*"

Page 5, line 20, delete "*8*" and insert "*11*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after "possession;" insert "prescribing requirements for carrying and use of firearms and ammunition; providing that political subdivisions that wish to adopt trapping regulations must adopt a model trapping ordinance;"

Page 1, line 7, after "and" insert "100.29, Subdivisions 3 and 9; proposing new law coded in Minnesota Statutes, Chapter 100; repealing Minnesota Statutes 1980, 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. 285: A bill for an act relating to natural resources; regulating the use of state funded trails; providing a penalty; amending Minnesota Statutes 1980, Section 84.90, Subdivision 4; proposing new law coded in Minnesota Statutes, Chapter 85.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, lines 14 to 18, delete the new language

Page 1, line 21, after the period, insert "*It is unlawful for a person to mutilate, destroy, damage, or remove any shelter, comfort station or other trail facility on any trail established on state owned land or on any recreational trail which is funded in whole or in part by state grant-in-aid funds.*"

Page 1, line 24, delete everything after "*section*" and insert a comma

Page 1, line 25, delete "*the acquisition of*"

Page 1, line 26, before the period, insert "*to a local unit of government*"

Page 2, line 1, after "*Subd. 2.*" insert "[AUTHORITY OF LOCAL GOVERNMENT.] *A local government unit that receives state grant-in-aids for any trail may:*

(a) Designate the trail for exclusive use by snowmobiles or for exclusive nonmotorized use from December 1 to April 1 of any year; and

(b) Issue any permit required under subdivisions 3 to 5.

Subd. 3."

Page 2, line 2, delete "*and only*"

Page 2, line 3, delete "*shall be issued by the*"

Page 2, line 4, delete everything before "*shall*"

Page 2, line 11, delete "*3*" and insert "*4*"

Page 2, line 15, delete "*4*" and insert "*5*"

Page 2, line 17, delete the second comma

Page 2, line 18, after "*for*" insert "*exclusive*"

Page 2, line 20, delete "*5*" and insert "*6*"

Page 2, line 21, delete "*2, 3 and 4*" and insert "*3 to 5*"

Page 2, line 28, before the semicolon, insert "*under the direction of the local unit of government which manages the trail*"

Page 2, line 30, before "*land*" insert "*a*"

Page 2, line 30, delete "*owners*" and insert "*owner*"

Page 2, line 31, before the period, insert "*, but only with respect to operation on the land of that owner*"

Page 2, after line 31, insert:

"*Subd. 7.* [STREETS AND HIGHWAYS.] *This section does not apply to any portion of a trail located on any street or highway as defined in section 169.01.*

Subd. 8. [ENFORCEMENT.] *The provisions of this section may be enforced by officers of the department of natural resources as provided in section 97.50.*"

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "permitting conservation officers to enforce prohibitions of vandalism of shelters and facilities on state and local trails;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which were referred

H. F. Nos. 678 and 332 for comparison with companion Senate Files, reports the following House Files were found not identical with their companion Senate Files 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.
678	820			332	352

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 678 be amended as follows:

Page 2, line 1, reinstate the stricken language except for "~~(optional)~~"

Page 2, delete line 2

Page 10, after line 8, insert

"Sec. 17. Minnesota Statutes 1980, Section 209.02, Subdivision 4, is amended to read:

Subd. 4. [NOTICE OF CONTEST, HOW SERVED.] Service of the notice of contest shall be made in the same manner as provided for the service of summons in civil actions. In all cases ~~two copies~~ *one copy* of the notice shall be furnished the official authorized to issue the certificate of election at the time of service upon him, and ~~the official shall send~~ one copy thereof *shall be served* by certified mail ~~to~~ *on* the contestee at his last known address. ~~If the sheriff is~~

~~unable to make personal or substituted service upon the contestee, then the affidavit of the sheriff to that effect and the affidavit of the official authorized to issue the certificate of election that he sent a copy to the contestee by certified mail to his last known address shall be sufficient to confer jurisdiction upon the proper court to hear and determine the contest.~~"

Page 10, line 9, delete "17" and insert "18"

Page 10, line 11, after "202A.54" insert a semicolon

Amend the title as follows:

Page 1, line 11, before "repealing" insert "and 209.02, Subdivision 4;"

And when so amended H. F. No. 678 will be identical to S. F.No. 820, and further recommends that H. F. No. 678 be given its second reading and substituted for S. F. No. 820, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 332 be amended as follows:

Page 3, lines 33 and 36, delete "*18*" and insert "*17*"

Page 4, line 3, delete "*18*" and insert "*17*"

Page 7, line 5, delete "*18*" and insert "*17*"

Page 8, line 6, delete "*18*" and insert "*17*"

Page 12, line 12, delete "*2*" and insert "*1*"

Page 15, line 4, delete "*18*" and insert "*17*"

Page 16, line 12, delete "*18*" and insert "*17*"

Page 16, line 21, delete "*14*" and insert "*13*"

Page 17, line 15, delete "*18*" and insert "*17*"

Page 19, line 21, delete "*18*" and insert "*17*"

Page 21, lines 24 and 30, delete "*18*" and insert "*17*"

Page 22, lines 6 and 9, delete "*18*" and insert "*17*"

Amend the title as follows:

Page 1, line 2, delete "franchises" and insert "commerce"

Page 1, line 10, delete "as" and insert "in"

Page 1, line 11, delete "Chapters 80C and 80E" and insert "Chapter 80C; proposing new law coded as Minnesota Statutes, Chapter 80E"

And when so amended H. F. No. 332 will be identical to S. F.No. 352, and further recommends that H. F. No. 332 be given its second reading and substituted for S. F. No. 352, 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. 241 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.
				241	1118

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.

SECOND READING OF SENATE BILLS

S. F. Nos. 461, 975, 897, 1126, 662, 942, 1223, 1179, 983, 779, 712, 981, 993, 945, 876, 207, 1079, 724 and 285 were read the second time.

SECOND READING OF HOUSE BILLS

H. F. Nos. 30, 518, 365, 401, 189, 678, 332 and 241 were read the second time.

MOTIONS AND RESOLUTIONS

Messrs. Wegener and Frank introduced—

Senate Resolution No. 53:

A Senate resolution congratulating the Cardinals basketball team from Staples High School for winning the 1981 Class A State High School Boys Basketball Consolation Championship.

Referred to the Committee on Rules and Administration.

Mr. Dieterich introduced—

Senate Resolution No. 54:

A Senate resolution congratulating the Minutemen boys' basketball team from St. Paul Central High School for winning 3rd place in the 1981 Class AA State High School Boys' Basketball Championship.

Referred to the Committee on Rules and Administration.

SUSPENSION OF RULES

Mr. Moe, R. D. moved that the rules of the Senate be so far suspended that H. F. No. 435, No. 153 on General Orders, be made a Special Order for

immediate consideration. The motion prevailed.

SPECIAL ORDER

H. F. No. 435: A bill for an act relating to taxation; income; property tax refund; adopting certain federal income tax amendments; amending Minnesota Statutes 1980, Sections 290.01, Subdivision 20; 290.06, Subdivision 14; 290.07, Subdivision 5; 290.077, Subdivision 4; 290.08, Subdivisions 8 and 20; 290.09, Subdivisions 3, 4, 17a, and 19; 290.091; 290.131, Subdivision 2; 290.132, Subdivision 2; 290.135, Subdivision 2; 290.136, Subdivision 1; 290.138, by adding a subdivision; 290.26, Subdivision 2; 290.31, Subdivision 3; 290.41, by adding subdivisions; 290.92, Subdivision 20; 290.934, Subdivision 4; 290.971, by adding a subdivision; 290A.03, Subdivision 3; 474.12, Subdivision 2; and Laws 1980, Chapter 607, Article I, Section 34; repealing Minnesota Statutes 1980, Sections 290.08, Subdivisions 7 and 13; 290.09, Subdivision 12; 290.136, Subdivisions 2, 3, 4, 5, 6, 7, and 9; 290.137, and 290.138, Subdivisions 1 and 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Peterson,C.C.	Solon
Bang	Dieterich	Lantry	Peterson,D.L.	Spear
Belanger	Engler	Lessard	Peterson,R.W.	Stern
Benson	Frank	Lindgren	Petty	Stokowski
Berg	Frederick	Luther	Pillsbury	Stumpf
Berglin	Frederickson	Menning	Purfeerst	Taylor
Bernhagen	Hanson	Merriam	Ramstad	Tennessen
Bertram	Hughes	Moe, D. M.	Renneke	Ulland
Brataas	Johnson	Moe, R. D.	Rued	Vega
Chmielewski	Keefe	Nelson	Schmitz	Waldorf
Dahl	Knoll	Olhoft	Setzepfandt	Willet
Davies	Knutson	Pehler	Sieloff	
Davis	Kroening	Penny	Sikorski	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Penny moved that S. F. No. 759 be recalled from the House of Representatives for further consideration. The motion prevailed.

CALENDAR

H. F. No. 396: A bill for an act relating to the military; requiring the adjutant general to furnish an American flag to the closest surviving relative of a deceased person who served six or more years in the Minnesota National Guard; proposing new law coded in Minnesota Statutes, Chapter 192.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Lantry	Peterson,R.W.	Stern
Bang	Frank	Lessard	Petty	Stokowski
Belanger	Frederick	Lindgren	Pillsbury	Stumpf
Benson	Frederickson	Luther	Purfeerst	Taylor
Berg	Hanson	Menning	Ramstad	Tennessen
Berglin	Hughes	Merriam	Renneke	Ulland
Bernhagen	Humphrey	Moe, D. M.	Rued	Vega
Bertram	Johnson	Moe, R. D.	Schmitz	Waldorf
Brataas	Keefe	Nelson	Setzepfandt	Wegener
Chmielewski	Knoll	Olhoft	Sieloff	Willet
Dahl	Knutson	Pehler	Sikorski	
Davies	Kroening	Penny	Solon	
Davis	Kronebusch	Peterson,D.L.	Spear	

So the bill passed and its title was agreed to.

S. F. No. 964: A bill for an act relating to human rights; requiring certain state contractors to have affirmative action plans approved by the commissioner of human rights; amending Minnesota Statutes 1980, Section 363.073; proposing new law coded in Minnesota Statutes, Chapter 363.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 1, as follows:

Those who voted in the affirmative were:

Ashbach	Frank	Lantry	Peterson,D.L.	Solon
Belanger	Frederick	Lessard	Peterson,R.W.	Spear
Benson	Frederickson	Lindgren	Petty	Stern
Berglin	Hanson	Luther	Pillsbury	Stokowski
Bernhagen	Hughes	Menning	Purfeerst	Stumpf
Bertram	Humphrey	Merriam	Ramstad	Taylor
Brataas	Johnson	Moe, D. M.	Renneke	Tennessen
Chmielewski	Keefe	Moe, R. D.	Rued	Ulland
Dahl	Knoll	Nelson	Schmitz	Vega
Davies	Knutson	Olhoft	Setzepfandt	Waldorf
Davis	Kroening	Pehler	Sieloff	Wegener
Dicklich	Kronebusch	Penny	Sikorski	Willet

Mr. Berg voted in the negative.

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Tennessen in the chair.

After some time spent therein, the committee arose, and Mr. Tennessen reported that the committee had considered the following:

S. F. Nos. 915, 916, 708, 760, 1058 and 886, which the committee recommends to pass.

S. F. No. 70, which the committee reports progress, subject to the following motions:

Mr. Davies moved to amend S. F. No. 70 as follows:

Page 2, line 13, after "*in*" insert "*memoranda,*"

Page 2, line 30, after the comma, insert "*memoranda,*"

The motion prevailed. So the amendment was adopted.

Mr. Humphrey moved to amend S. F. No. 70 as follows:

Page 2, delete section 2

Amend the title as follows:

Page 1, line 3, delete "declaring"

Page 1, delete lines 4 and 5

Page 1, line 6, delete "evidence of legislative intent;"

Page 1, line 7, delete everything after "645.16" and insert a period

Page 1, delete line 8

The motion prevailed. So the amendment was adopted.

S. F. No. 70 was then progressed.

S. F. No. 525, which the committee recommends to pass with the following amendments offered by Messrs. Willet and Sikorski:

Mr. Willet moved to amend S. F. No. 525 as follows:

Page 3, line 6, delete "*may*" and insert "*shall*"

Page 3, line 15, delete "*it*" and insert "*the advertising device*"

Page 3, line 22, delete "*or maintaining*"

The motion prevailed. So the amendment was adopted.

Mr. Sikorski moved to amend S. F. No. 525 as follows:

Page 3, line 5, delete everything before "*The*"

Page 3, delete lines 18 to 23

The motion prevailed. So the amendment was adopted.

S. F. No. 625, which the committee recommends to pass with the following amendment offered by Mr. Hanson:

Page 1, line 20, strike "whereof" and insert "*of which*"

Page 2, line 34, strike "corporations" and insert "*corporation*"

Page 3, line 30, delete "*rental*" and insert "*the*"

Page 3, line 30, delete "*used for residential purposes*"

Page 3, lines 33 and 36, delete "*commenced*"

Page 3, line 34, delete "*sections*" and insert "*section*"

Page 3, line 34, after "*or*" insert "*section*"

Page 4, line 4, delete "*provisions*" and insert "*provision*"

Page 4, line 4, delete "*shall*" and insert "*does*"

Page 4, line 14, after "with" strike "a"

Page 4, line 15, before "*court*" insert "*the*"

Page 4, line 18, strike "thereupon"

Page 4, line 21, strike "not"

Page 4, line 21, after "be" insert "*not*"

Page 4, line 22, strike both commas

Page 4, line 24, strike "it is so" and insert "*the copy is*"

Page 4, line 24, strike the second comma

Page 4, line 30, strike everything after "day"

Page 4, lines 31 to 33, strike the old language and delete the new language

Page 4, line 34, before "service" insert "*in the manner provided for*"

Page 4, line 35, strike "In case"

Page 4, line 35, before "*the*" insert "*If*"

Page 5, line 7, strike everything after "by"

Page 5, strike line 8

Page 5, line 9, strike "action, or by"

Page 5, line 9, strike "other"

Page 5, line 10, strike "In case" and insert "*If*"

Page 5, line 10, strike "of which"

Page 5, strike line 11

Page 5, line 12, strike "proof,"

Page 5, line 12, strike "further that there is"

Page 5, line 12, strike "occupying" and insert "*occupies*"

Page 5, line 13, strike "then"

Page 5, line 14, strike "by" and insert "*of*"

Page 5, line 14, strike both commas

Page 5, line 14, strike "in the court in"

Page 5, line 15, strike "which the action is brought"

Page 5, line 15, strike "he believes" and insert "*(1)*"

Page 5, line 16, strike "is not in this state, or"

Page 5, line 16, strike "therein" and insert "*or on belief that the defendant is not in this state*"

Page 5, line 17, strike "either that he has mailed" and insert "*(2)*"

Page 5, line 17, after "summons" insert "*has been mailed*"

Page 5, line 18, strike ", or that"

Page 5, line 18, delete "*the*"

Page 5, line 18, strike "address is not" and insert "*if any is*"

Page 5, line 19, strike "him" and insert "*the plaintiff*"

Page 5, line 21, strike "and" and insert a period

Page 5, line 21, strike "upon the return day"

Page 5, line 22, strike both commas

Page 5, line 22, after "court" insert "*upon the return day*"

Page 5, line 23, strike "then" and insert a comma

The motion prevailed. So the amendment was adopted.

S. F. No. 452, which the committee recomends to pass, subject to the following motions:

Mr. Renneke moved to amend S. F. No. 452 as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 11A.24, is amended by adding a subdivision to read:

Subd. 6. [PREFERENCE FOR CERTAIN INVESTMENTS.] *The state board of investment shall attempt whenever possible to give a preference to authorized investment securities which meet the standard of care set forth in section 11A.09 and which, in the opinion of the state board, constitute either an investment in a Minnesota business or an investment which has a substantial beneficial effect on the economy of the state of Minnesota.*"

Amend the title as follows:

Page 1, line 3, delete everything after "establishing" and insert "a preference for certain investments"

Page 1, line 4, delete everything before the semicolon

Page 1, line 5, delete "11A.09" and insert "11A.24, by adding a subdivision"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 21 and nays 29, as follows:

Those who voted in the affirmative were:

Bang	Engler	Kronebusch	Rued	Ulland
Belanger	Frederick	Lindgren	Schmitz	
Benson	Frederickson	Peterson,D.L.	Setzepfandt	
Berg	Keefe	Pillsbury	Sieloff	
Brataas	Knutson	Renneke	Taylor	

Those who voted in the negative were:

Berglin	Dieterich	Lantry	Pehler	Stumpf
Bertram	Frank	Luther	Peterson,R.W.	Tennessen
Dahl	Hanson	Menning	Petty	Vega
Davies	Johnson	Merriam	Sikorski	Waldorf
Davis	Knoll	Moe, D. M.	Spear	Wegener
Dicklich	Kroening	Nelson	Stokowski	

The motion did not prevail. So the amendment was not adopted.

Mr. Berg moved to amend S. F. No. 452 as follows:

Pages 2 and 3, delete subdivision 4

Page 3, line 11, delete "*5*" and insert "*4*"

Page 3, line 14, delete "*subdivisions*" and insert " *subdivision*" and delete "*and 4*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 32, as follows:

Those who voted in the affirmative were:

Ashbach	Brataas	Knutson	Ramstad	Ulland
Bang	Engler	Kronebusch	Renneke	Waldorf
Belanger	Frederick	Lindgren	Rued	
Benson	Frederickson	Peterson,D.L.	Sieloff	
Berg	Keefe	Pillsbury	Taylor	

Those who voted in the negative were:

Berglin	Hanson	Luther	Penny	Stokowski
Bertram	Hughes	Menning	Peterson,R.W.	Tennessen
Dahl	Humphrey	Merriam	Petty	Vega
Davis	Johnson	Moe, D. M.	Schmitz	Willet
Dicklich	Knoll	Moe, R. D.	Sikorski	
Dieterich	Kroening	Nelson	Spear	
Frank	Lantry	Pehler	Stern	

The motion did not prevail. So the amendment was not adopted.

Mr. Renneke moved to amend S. F. No. 452 as follows:

Page 2, line 28, before the semicolon, insert "*; provided that the board shall not purchase real estate used for farming in this state*"

The motion prevailed. So the amendment was adopted.

The question was taken on the recommendation to pass S. F. No. 452.

The roll was called, and there were yeas 29 and nays 27, as follows:

Those who voted in the affirmative were:

Berglin	Hanson	Lantry	Olhoft	Spear
Bertram	Hughes	Luther	Pehler	Stern
Dahl	Humphrey	Merriam	Penny	Stokowski
Davis	Johnson	Moe, D. M.	Peterson,R.W.	Vega
Dicklich	Knoll	Moe, R. D.	Petty	Willet
Frank	Kroening	Nelson	Solon	

Those who voted in the negative were:

Ashbach	Dieterich	Kronebusch	Renneke	Tennessen
Bang	Engler	Lessard	Rued	Ulland
Belanger	Frederick	Lindgren	Schmitz	Waldorf
Benson	Frederickson	Peterson,D.L.	Setzepfandt	
Berg	Keefe	Pillsbury	Sieloff	
Davies	Knutson	Ramstad	Taylor	

The motion prevailed. So S. F. No. 452 was recommended to pass.

On motion of Mr. Tennessen, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Mr. Nelson moved that S. F. No. 209 be taken from the table. The motion prevailed.

Mr. Nelson moved that the Senate do not concur in the amendments by the House to S. F. No. 209, 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.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Mr. Dicklich introduced—

S.F. No. 1346: A bill for an act relating to the revenue recapture act; expanding the definition of claimant agencies to include counties; amending Minnesota Statutes 1980, Sections 270A.02; and 270A.03, Subdivision 2.

Referred to the Committee on Judiciary.

Mr. Waldorf introduced—

S.F. No. 1347: A bill for an act relating to welfare; clarifying certain provisions for determination of cost of care at state hospitals; directing the commissioner of public welfare to promulgate rules; changing the responsibility of relatives under certain circumstances; altering the method of charging for outpatient care; giving claims against estates of deceased patients or responsible relatives preferred status; amending Minnesota Statutes 1980, Sections 246.50, Subdivision 5; 246.51; 246.53; and 487.39, Subdivision 1.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Wegener, Chmielewski, Rued and Dahl introduced—

S.F. No. 1348: A bill for an act relating to cooperatives; allowing electric cooperatives to acquire certain unclaimed distributions, redemptions, or payments by forfeiture; proposing new law coded in Minnesota Statutes, Chapter 308.

Referred to the Committee on Judiciary.

Messrs. Pehler and Johnson introduced—

S.F. No. 1349: A bill for an act relating to taxation; property tax assessment;

providing penalties and bonuses for certain property assessment performance; amending Minnesota Statutes 1980, Section 275.51, Subdivision 3d; proposing new law coded in Minnesota Statutes, Chapter 477A; repealing Minnesota Statutes 1980, Section 477A.04.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Knoll; Moe, R.D.; Ashbach; Pehler and Humphrey introduced—

S.F. No. 1350: A bill for an act relating to state departments; creating a department of state and community resources; transferring all the functions of the state planning agency, energy agency, and department of economic development, and the staff of the crime control planning board, to the department of state and community resources; abolishing the state planning agency, energy agency, and department of economic development; amending Minnesota Statutes 1980, Sections 3.922, Subdivision 1; 4.10; 4.11, Subdivisions 4 and 5; 4.12; 4.125; 4.13; 4.17; 4.18, Subdivision 2; 4.191; 4.26; 4.274.29; 4.35; 4.36, Subdivisions 2, 3, 4, and 5; 15.01; 15.057; 15.50, Subdivision 2; 15A.081, Subdivision 1; 16.014, Subdivision 1; 16.084; 16.086, Subdivisions 1 and 2; 16.125, Subdivision 2; 16.756, Subdivision 1; 18.023, Subdivision 11; 18.024, Subdivision 1; 43.09, Subdivision 2a; 84.028, Subdivision 2; 84.54; 85.016; 85.017; 86.72, Subdivision 3; 86A.06; 86A.09, Subdivisions 1, 2, 3, and 4; 92.35; 92.36; 92.37; 104.03, Subdivision 1; 104.35, Subdivisions 2 and 3; 105.484; 105.485, Subdivision 3; 114A.03, Subdivision 1; 115A.07, Subdivision 1; 115A.12, Subdivision 2; 115A.15, Subdivision 5; 116C.03, Subdvisions 2, 3, and 4; 116H.05; 116H.06, 116H.07; 116H.08; 116H.085; 116H.087; 116H.088, Subdivision 1; 116H.089; 116H.09, Subdivisions 1, 4, and 5; 116H.10; 116H.11; 116H.12, Subdivisions 1, 1b, 2, 4, 5, 6, and 9; 116H.121, Subdivisions 1 and 2; 116H.122; 116H.123; 116H.124; 116H.126; 116H.127; 116H.128; 116H.129, Subdivisions 1, 4, 5, 6, and 8; 116H.13; 116H.14; 116H.15, Subdivision 2; 116H.17; 116H.18; 116H.19, Subdivision 1; 116H.23; 120.78, Subdivision 1; 124.225, Subdivision 4a; 126.111, Subdivision 2; 137.31, Subdivision 6; 138.93, Subdivision 4; 145.834; 145.835, Subdivision 1; 145.836, Subdivision 1; 145.837, Subdivision 1; 145.845; 145.912, Subdivision 15; 160.262, Subdivisions 1 and 3; 160.265, Subdivision 1; 174.03, Subdivision 7; 204.06, Subdivision 1b; 216B.241, Subdivision 2; 222.62; 222.65; 245.783, Subdivision 2; 268.014; 273.74, Subdivisions 2 and 5; 275.53, Subdivisions 1, 3, and 4; 290.06, Subdivision 14; 298.48, Subdivision 4; 299A.03, Subdivision 5; 299A.04; 301.75; 301.77, Subdivision 1; 301A.01; Subdivision 1; 301A.05; 301A.07, Subdivision 1; 325F.19, Subdivision 3; 325F.19, Subdivision 6; 325F.20, Subdivision 1; 325F.21, Subdivision 2; 325F.23, Subdivision 1; 325F.24, Subdivision 3a; 362.12, Subdivision 1; 362.13; 362.132; 362.40, Subdivisions 8, 9, and 10; 362.41, Subdivision 5; 362.42; 362.51, Subdivisions 8 and 10; 362A.06; 402.045; 402.062, Subdivision 1; 402.095; 451.09, Subdivision 2; 462.375; 462.384, Subdivision 7; 462.385, Subdivisions 1 and 3; 462.386; 462.387; 462.39, Subdivisions 2 and 3; 462.391, Subdivisions 2, 3, and 4; 462.395; 462.396, Subdivision 1; 462.398; 462.421, Subdivision 21; 462A.05, Subdivision 15b; 473.204, Subdivision 2; 473.411, Subdivision 1; 473.857, Subdivision 2; 473H.06, Subdivision 5; 474.01, Subdivisions 6, 7, and 8; 641.24; proposing new law coded as Minnesota Statutes, Chapter 116J; repealing Minnesota

Statutes 1980, Sections 4.11, Subdivisions 1, 2, 3, 6, 7, and 8; 4.15; 4.16; 16.014, Subdivision 3; 115A.08, Subdivisions 1, 2, and 3; 116H.001; 116H.02, Subdivisions 2 and 4; 116H.03; 116H.09, Subdivisions 2 and 3; 116H.12, Subdivision 3b; 126.52, Subdivision 12; 254A.06; 362.07; 362.08; 362.09; 362.10, 362.11; 362.12, Subdivisions 2 and 3; 362.121; 362.125; 362.15; 362.17; 362.18; 362.19; 362.23; 462.711; and 473.571, Subdivisions 2, 3, and 4.

Referred to the Committee on Governmental Operations.

Mr. Hanson introduced—

S.F. No. 1351: A bill for an act relating to counties; excepting a county legal assistance levy from levy limits; amending Minnesota Statutes 1980, Section 375.167, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Mr. Spear moved that H. F. No. 659 be withdrawn from the Committee on Public Employees and Pensions and re-referred to the Committee on Rules and Administration for comparison with S. F. No. 779. The motion prevailed.

Without objection, the Senate reverted to the Order of Business of Reports of Committees.

REPORTS OF COMMITTEES

Mr. Willet from the Committee on Finance, to which was referred

S. F. No. 359: A bill for an act relating to workers' compensation; expressing the intent of the legislature with respect to chapter 176; transferring compensation judges from the workers' compensation division to a separate division within the office of administrative hearings; making the workers' compensation court of appeals a separate and independent agency with appellate review powers; providing for a discount assumption with respect to calculating reserves for claims of insurance companies; authorizing the commissioner of insurance to initiate a rate hearing; permitting benefit payment amounts to be rounded to whole dollars; clarifying certain provisions with respect to the Minnesota workers' compensation reinsurance association; redefining the maximum reinsurance liability limitation as a prefunded limit; providing for a survey of closed compensation claims and an examination of insurer reserving practices; removing the exemption of political subdivisions from the definitions of insurer and insurance in chapter 79; providing for the design and implementation of an improved records and information system in the department of labor and industry; providing for the addition of rehabilitation and computer support personnel in the department of labor and industry; permitting the commissioner of labor and industry to negotiate with his counterparts in other states in jurisdictional disputes; establishing a preponderance of the evidence standard in factual determinations under chapter 176; granting subrogation rights to the special compensation fund in third party actions;

providing for lump sum permanent partial disability payments on return to work and weekly payments if an employee could but does not return to work; limiting attorneys' fees to only disputed portions of claims; providing a procedure for settlement offers by any litigant in a disputed claim proceeding; requiring claimants' attorneys to provide their clients with written information regarding fees under chapter 176; providing a penalty for attorneys who violate the fee provisions of chapter 176; providing a ten year limitation on death benefits to dependents; providing rehabilitation opportunities for dependent surviving spouses; requiring the commissioner of labor and industry to adopt disability degree schedules; prohibiting combined workers' compensation and government survivor benefits from exceeding the limit provided in chapter 176; providing a new formula for determining assessments against employers and insurers for the special compensation fund; providing for payment of attorneys' fees in disputes over supplementary benefits; requiring the commissioner of labor and industry to utilize a medical fee schedule; requiring the commissioner to review the quality of care and other aspects of medical delivery under workers' compensation; establishing a medical panel to resolve disputes over medical disability; providing for payment of wage replacement or disability payments by a group insurer under appropriate provisions pending resolution of liability dispute over compensability; providing for early payment of benefits and a penalty for delay; requiring benefit payments to be made by immediately negotiable instrument; providing that notices of discontinuance of benefit payments be sent directly to claimant by insurer; providing that division legal assistance employees be transferred to the attorney general; delaying first benefit adjustment under chapter 176 for 52 weeks from date of injury; mandating an insurance rate reduction by an amount reflecting cost savings due to benefit and administrative changes; providing penalties; appropriating money; amending Minnesota Statutes 1980, Sections 15.052, Subdivisions 1 and 3; 15A.083, by adding a subdivision; 43.064; 60A.15, Subdivision 1; 79.01, Subdivisions 2 and 3; 79.071, by adding subdivisions; 79.34, Subdivisions 1 and 2; 79.35; 79.36; 175.007; 175.101, by adding a subdivision; 175.11, Subdivision 1; 175.14; 175.17; 176.021, Subdivisions 1 and 3, and by adding subdivisions; 176.041, by adding a subdivision; 176.061, Subdivisions 1, 3, 4, 5, 6 and 7; 176.081, Subdivision 1, and by adding subdivisions; 176.101, Subdivision 3; 176.102, by adding a subdivision; 176.105, Subdivision 1; 176.111, Subdivisions 6, 7, 8, 10 and 21, and by adding a subdivision; 176.131, Subdivision 10; 176.132, Subdivision 2; 176.133; 176.136; 176.161, Subdivision 1; 176.181, Subdivisions 2 and 3, and by adding a subdivision; 176.191; 176.221; 176.225, by adding a subdivision; 176.231, Subdivisions 2 and 7; 176.241, Subdivisions 1, 2 and 3; 176.261; 176.291; 176.301, Subdivision 1; 176.305; 176.311; 176.331; 176.341, Subdivision 1; 176.351; 176.371; 176.381; 176.391; 176.401; 176.411, Subdivisions 1 and 2; 176.421, Subdivisions 1, 5, 6 and 7; 176.431, Subdivision 1; 176.441, Subdivision 1; 176.461; 176.471, Subdivisions 3, 5, 6 and 8; 176.491; 176.511, Subdivision 1; 176.521, Subdivisions 1 and 2; 176.531, Subdivision 3; 176.645; and 179.74, Subdivision 4; proposing new law coded as Minnesota Statutes, Chapter 175A; and proposing new law coded in Minnesota Statutes, Chapter 176; repealing Minnesota Statutes 1980, Sections 175.006, Subdivisions 1a and 2; 175.0061; 175.09; 176.111, Subdivision 11; 176.155, Subdivision 2; and 176.441, Subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 61, insert:

"Section 1. Minnesota Statutes 1980, Section 10A.01, Subdivision 18, is amended to read:

Subd. 18. "Public official" means any:

(a) Member of the legislature;

(b) Constitutional officer in the executive branch and his chief administrative deputy;

(c) Member, chief administrative officer or deputy chief administrative officer of a state board or commission which has at least one of the following powers: (i) the power to adopt, amend or repeal rules, or (ii) the power to adjudicate contested cases or appeals;

(d) Commissioner, deputy commissioner or assistant commissioner of any state department as designated pursuant to section 15.01;

(e) Individual employed in the executive branch who is authorized to adopt, amend or repeal rules or adjudicate contested cases;

(f) Executive director of the state board of investment;

(g) Executive director of the Indian affairs intertribal board;

(h) Commissioner of the iron range resources and rehabilitation board;

(i) Director of mediation services;

(j) Deputy of any official listed in clauses (e) to (i);

(k) Judge of *the* workers' compensation *court of appeals* ;

(l) Hearing examiner *or compensation judge* in the state office of administrative hearings or *hearing examiner in the* department of economic security;

(m) Solicitor general or deputy, assistant or special assistant attorney general;

(n) Individual employed by the legislature as secretary of the senate, legislative auditor, chief clerk of the house, revisor of statutes, or researcher or attorney in the office of senate research, senate counsel, or house research; or

(o) Member or chief administrative officer of the metropolitan council, metropolitan transit commission, metropolitan waste control commission, metropolitan parks and open spaces commission, metropolitan airports commission or metropolitan sports facilities commission."

Page 3, line 11, delete "*and compensation judges*"

Page 3, line 12, after "*and*" insert "*compensation judges shall have a demonstrated knowledge of*"

Page 3, line 13, delete ", *as the case may be,*"

Page 3, after line 15, insert:

"Sec. 3. Minnesota Statutes 1980, Section 15.052, Subdivision 2, is amended to read:

Subd. 2. When regularly appointed hearing examiners *or compensation judges* are not available, the chief hearing examiner may contract with qualified individuals to serve as hearing examiners. Such temporary hearing examiners shall not be employees of the state."

Page 3, line 19, after "chapter" insert "*or chapter 176*"

Page 3, line 22, strike "such"

Page 4, after line 5, insert:

"Sec. 5. Minnesota Statutes 1980, Section 15.052, Subdivision 4, is amended to read:

Subd. 4. The chief hearing examiner shall ~~promulgate~~ *adopt* rules to govern the procedural conduct of all hearings, relating to both rule adoption, amendment, suspension or repeal hearings ~~and~~, contested case hearings, *and workers' compensation hearings*. ~~Such~~ *The* procedural rules for hearings shall be binding upon all agencies and shall supersede any other agency procedural rules with which they may be in conflict. The procedural rules for hearings shall include in addition to normal procedural matters provisions relating to recessing and reconvening new hearings when the proposed final rule of an agency is substantially different from that which was proposed at the public hearing. The procedural rules shall establish a procedure whereby the proposed final rule of an agency shall be reviewed by the chief hearing examiner to determine whether or not a new hearing is required because of substantial changes or failure of the agency to meet the requirements of section 15.0412, subdivisions 4 to 4f. Upon his own initiative or upon written request of an interested party, the chief hearing examiner may issue a subpoena for the attendance of a witness or the production of ~~such~~ books, papers, records or other documents as are material to the matter being heard. The subpoenas shall be enforceable through the district court in the district in which the subpoena is issued.

Sec. 6. Minnesota Statutes 1980, Section 15.052, Subdivision 5, is amended to read:

Subd. 5. The office of administrative hearings may maintain a court reporter system and in addition to or in lieu thereof may contract with non-governmental sources for court reporter services. The court reporters may additionally be utilized as the chief hearing examiner directs. Unless the chief hearing examiner determines that the use of a court reporter is more appropriate, an audio magnetic recording device shall be used to keep a record at any hearing which takes place under this chapter *or chapter 176*.

Court reporters serving in the court reporter system of the office of administrative hearings shall be in the classified service. Notwithstanding the provisions of section 15.17, subdivision 4, copies of transcriptions of hearings conducted pursuant to this section may be obtained only through the office of administrative hearings."

Page 6, line 24, after the period insert "*A hearing held pursuant to this subdivision is not subject to the contested case proceeding requirements of sections 79.071 and 79.072, notwithstanding section 79.076.*"

Page 7, line 22, after "*duties of*" delete "*the*"

Page 14, after line 19, insert:

"Sec. 12. Minnesota Statutes 1980, Section 79.071, Subdivision 1, is amended to read:

Subdivision 1. The commissioner shall adopt a schedule of workers' compensation insurance rates for use in this state for each classification under which business is written *until January 1, 1986*. The schedule of rates shall not be excessive, inadequate, or unfairly discriminatory. In adopting a schedule of rates, the commissioner may act on the written petition of the association or any other interested party requesting that a hearing be held for modification of the schedule of rates. The commissioner may include the expense of a reasonable charge for the services of an agent of record, for the service of rejected risks as set forth in sections 79.24 to 79.27.

Sec. 19. [79.50] [PURPOSES.]

The purposes of chapter 79 are to:

(a) Promote public welfare by regulating insurance rates so that premiums are not excessive, inadequate, or unfairly discriminatory;

(b) Promote quality and integrity in the data bases used in workers' compensation insurance ratemaking;

(c) Prohibit price fixing agreements and anticompetitive behavior by insurers;

(d) Promote price competition and provide rates that are responsive to competitive market conditions;

(e) Provide a means of establishment of proper rates if competition is not effective;

(f) Define the function and scope of activities of data service organizations; and

(g) Provide for an orderly transition from regulated rates to competitive market conditions.

Sec. 20. [79.51] [RULES.]

Subdivision 1. [ADOPTION; WHEN.] *The commissioner shall adopt rules to implement provisions of chapter 79. The rules shall be finally adopted after May 1, 1982. By January 15, 1982, the commissioner shall provide the legislature a description and explanation of the intent and anticipated effect of the rules on the various factors of the rating system.*

Subd. 2. [TRANSITION PERIOD; RULES GOVERN.] *Insurance rates from July 1, 1983, to December 31, 1985, shall be determined in accordance with rules adopted by the commissioner. The rules shall require (1) that a hearing be held pursuant to the provisions of section 79.071 to consider any petition requesting modification of rates and (2) that following the hearing the commissioner shall adopt a schedule of rates.*

Subd. 3. [RULES; SUBJECT MATTER.] *(a) The commissioner in issuing rules shall consider:*

(1) Data reporting requirements, including types of data reported, such as loss and expense data;

(2) Experience rating plans;

(3) Retrospective rating plans;

(4) General expenses and related expense provisions;

(5) Minimum premiums;

(6) Classification systems and assignment of risks to classifications;

(7) Loss development and trend factors;

(8) The workers' compensation reinsurance association;

(9) Restrictions, prohibitions, and requirements with respect to the activities of the workers' compensation insurers rating association of Minnesota during the period from July 1, 1983, to January 1, 1986;

(10) Requiring substantial compliance with the rules mandated by this section as a condition of workers' compensation carrier licensure;

(11) Imposing limitations on the functions of workers' compensation data service organizations consistent with the introduction of competition;

(12) The rules contained in the workers' compensation rating manual adopted by the workers' compensation insurers rating association; and

(13) Any other factors that the commissioner deems relevant to achieve the purposes of sections 1 to 14.

(b) The rules shall provide for the following:

(1) Competition in workers' compensation insurance rates in such a way that the advantages of competition are introduced with a minimum of employer hardship during the transition period;

(2) Adequate safeguards against excessive or discriminatory rates in workers' compensation during the transition period;

(3) Encouragement of workers' compensation insurance rates which are as low as reasonably necessary, but shall make provision against inadequate rates, insolvencies and unpaid benefits;

(4) Assurances that employers are not unfairly relegated to the assigned risk pool;

(5) Requiring all appropriate data and other information from insurers for the purpose of issuing rules and making legislative recommendations pursuant to this section; and

(6) Preserving a framework for risk classification, data collection, and other appropriate joint insurer services where these will not impede the introduction of competition in premium rates.

(c) The rules shall expire on January 1, 1986.

Subd. 4. [ADVISORY COMMITTEE.] *The commissioner shall appoint an advisory committee which shall offer recommendations regarding rulemaking under this section. The advisory committee shall include representatives of insurers, employers, and employees.*

Sec. 21. [79.52] [DEFINITIONS.]

Subdivision 1. [GENERALLY.] *The following words or phrases shall have*

the meanings ascribed to them for the purposes of sections 19 to 32, unless the context clearly indicates that a different meaning is intended.

Subd. 2. [MARKET.] *"Market" means any reasonable grouping or classification of employers.*

Subd. 3. [DATA SERVICE ORGANIZATION.] *"Data service organization" means any entity which has ten or more members or is controlled directly or indirectly by ten or more insurers and is engaged in collecting data for use in insurance ratemaking or other activities permitted by chapter 79. Affiliated members or insurers shall be counted as a single unit for the purpose of this definition. The workers' compensation insurers rating association of Minnesota shall be considered a data service organization.*

Subd. 4. [CLASSIFICATION PLAN; CLASSIFICATION.] *"Classification plan" or "classification" means the plan, system, or arrangement for rating insurance policyholders.*

Subd. 5. [RATES.] *"Rates" means the cost of insurance per exposure base unit.*

Subd. 6. [BASE PREMIUM.] *"Base premium" means the amount of premium which an employer would pay for insurance derived by applying rates to an exposure base prior to the application of any merit rating or discount factors.*

Subd. 7. [PREMIUM.] *"Premium" means the price charged to an insured for insurance for a specified period of time, regardless of the timing of actual payments.*

Subd. 8. [DISCOUNT FACTOR.] *"Discount factor" means any factor which is applied to the base premium and which is based upon insurer expenses or other factors not related to the risk of loss.*

Subd. 9. [MERIT RATING.] *"Merit rating" means a system or form of rating by which base premium is modified on the basis of loss experience or other factors which are reasonably related to loss or risk of loss and which may be reasonably affected by the action or activities of the insured. The sensitivity of a merit rating system to loss experience may vary by the size of risk. Merit rating shall include both prospective and retrospective methods for modifying base premium.*

Subd. 10. [LOSS DEVELOPMENT FACTORS.] *"Loss development factors" means factors applied to recorded incurred losses to estimate the amount of ultimate loss payments that will have been made for losses during the applicable period when all claims are paid.*

Subd. 11. [TREND OR TRENDING.] *"Trend" or "trending" means any procedure employing data for the purpose of projecting or forecasting the future value of that data or other data, or the factors resulting from such a procedure.*

Subd. 12. [INTERESTED PARTY.] *"Interested party" means any person, or association acting on behalf of its members, directly affected by a change in the schedule of rates and includes the staff of the insurance division.*

Subd. 13. [INSURER.] *"Insurer" means any insurer licensed to transact the business of workers' compensation insurance in this state.*

Subd. 14. [INSURANCE.] *"Insurance" means workers' compensation insurance.*

Subd. 15. [RATING PLAN.] *"Rating plan" means every manual, and every other rule including discount factors and merit rating necessary for the calculation of an insured's premium from an insurer's rates. An insurer may choose to adopt for use the rating plan of the data service organization in which it maintains membership.*

Sec. 22. [79.53] [PREMIUM CALCULATION.]

Each insurer shall establish premiums to be paid by an employer according to its filed rates and rating plan as follows:

Rates shall be applied to an exposure base to yield a base premium which may be further modified by merit rating, premium discounts, and other appropriate factors contained in the rating plan of an insurer to produce premium. Nothing in this chapter shall be deemed to prohibit the use of any premium, provided the premium is not excessive, inadequate or unfairly discriminatory.

Sec. 23. [79.54] [COMPETITIVE MARKET PRESUMPTION.]

A competitive market is presumed to exist until the commissioner, after a hearing on the record, determines that a reasonable degree of competition does not exist and issues an order to that effect. The order shall include the conditions and procedures under which a determination of insufficient competition shall expire.

Sec. 24. [79.55] [STANDARDS FOR RATES.]

Subdivision 1. [GENERAL STANDARDS.] *Premiums shall not be excessive, inadequate, or unfairly discriminatory.*

Subd. 2. [EXCESSIVENESS.] *No premium is excessive in a competitive market. In the absence of a competitive market, premiums are excessive if the expected underwriting profit, together with expected income from invested reserves for the market in question, that would accrue to an insurer would be unreasonably high in relation to the risk undertaken by the insurer in transacting the business.*

Subd. 3. [INADEQUACY.] *Premiums are inadequate if, together with the investment income associated with an insurer's Minnesota workers' compensation insurance business, they are clearly insufficient to sustain projected losses and expenses of the insurer and (a) if their continued use could lead to an insolvent situation for the insurer; or (b) if their use destroys or lessens competition or is likely to destroy or lessen competition.*

Subd. 4. [UNFAIR DISCRIMINATION.] *Premiums are unfairly discriminatory if differentials for insureds fail to reasonably reflect the differences in expected losses and expenses to the insurer attributable to the insureds. Rates are not unfairly discriminatory solely because different premiums result for insureds with like loss exposures but different expense factors, or like expense factors but different loss exposures, provided that rates reflect the differences with reasonable accuracy.*

Sec. 25. [79.56] [FILING RATES AND RATING INFORMATION.]

Subdivision 1. [AFTER EFFECTIVE DATE.] *Each insurer shall file with*

the commissioner a complete copy of its rates and rating plan, and all changes and amendments thereto, within 15 days after their effective dates. An insurer need not file a rating plan if it uses a rating plan filed by a data service organization. If an insurer uses a rating plan of a data service organization but deviates from it, then all deviations must be filed by the insurer.

Subd. 2. [BEFORE EFFECTIVE DATE.] *The commissioner may order an insurer to file rates at least 30 days before the effective date of the rates (a) if the commissioner determines, based upon reasonable evidence, that an order is appropriate because of the insurer's financial condition; or (b) due to a prior finding of unfairly discriminatory rating practices; or (c) due to a prior finding of inadequate rates. The order may require that supplementary rate and supporting information be included in a filing.*

Subd. 3. [PENALTIES.] *Any insurer using a rate or a rating plan which has not been filed shall be subject to a fine of up to $100 for each day the failure to file continues. The commissioner may, after a hearing on the record, find that the failure is willful. A willful failure to meet filing requirements shall be punishable by a fine of up to $500 for each day during which a willful failure continues. These penalties shall be in addition to any other penalties provided by law.*

Subd. 4. [PUBLIC INSPECTION.] *All filings shall be open to public inspection during normal business hours at the offices of the insurance division.*

Sec. 26. [79.57] [FILING RATES; NONCOMPETITIVE MARKET.]

Upon making a determination that a market is not competitive, the commissioner shall require rates for use in that market to be filed 30 days prior to their effective date. The filing shall include, in a form prescribed by the commissioner, an explanation of the rates and any data supporting the use of the rates which are not on file with a data service organization.

The commissioner may issue an order for a hearing at any time prior to the effective date of the rates and the rates shall not become effective until the commissioner has ruled on the rates following the hearing.

The commissioner may disapprove the rates subsequent to their effective date, except that rates so disapproved shall remain effective until the commissioner issues an order following a hearing.

Sec. 27. [79.58] [DISAPPROVAL OF RATES OR RATING PLANS.]

Subdivision 1. [RATES.] *A rate filed by an insurer may be disapproved by the commissioner subsequent to its effective date. Following a disapproval and prior to a refiling the insurer shall use the rates as reasonably established by the commissioner.*

The commissioner shall disapprove a rate if, after a hearing on the record, he finds that:

(a) The premium is inadequate or unfairly discriminatory; or

(b) A competitive market for workers' compensation does not exist and rates are excessive; or

(c) The insurer failed to comply with filing requirements.

A rehearing shall be held within 30 days of any disapproval under this

section at the request of the insurer whose rates are disapproved.

Subd. 2. [RATING PLANS.] *The commissioner may disapprove a rating plan of a data service organization if, after a hearing, the commissioner finds that it is unfairly discriminatory. Any order of disapproval shall require the data service organization to use an alternative rating plan until approval of a rating plan by the commissioner. The commissioner shall not approve any rating plan based upon any data other than Minnesota data.*

Sec. 28. [79.59] [INSURERS AND DATA SERVICE ORGANIZATIONS; PROHIBITED ACTIVITIES.]

Subdivision 1. [MONOPOLIZATION.] *No insurer or data service organization shall attempt to monopolize or combine or conspire with any other person to monopolize the business of insurance.*

Subd. 2. [AGREEMENT PROHIBITED.] *No insurer shall agree with any other insurer or with a data service organization to adhere to or to use any rate, rating plan, rating schedule, rating rule, or underwriting rule except as specifically authorized by chapter 79 or for the purpose of creating experience modifications for employers with employees in more than one state.*

Subd. 3. [TRADE RESTRAINT.] *No insurer or data service organization shall make an agreement with any other insurer, data service organization, or other person which has the purpose or the effect of restraining trade or of substantially lessening competition.*

Subd. 4. [EXCEPTIONS.] *The fact that insurers writing not more than 25 percent of the workers' compensation premiums in Minnesota use the same rates, rating plans, rating schedules, rating rules, underwriting rules, or similar materials shall not alone constitute a violation of subdivision 1 or 2.*

Two or more insurers under common ownership or operating under common management or control may act in concert between or among themselves with respect to matters authorized under chapter 79 as if they constituted a single insurer, provided that the rating plan of such insurers shall be considered to be a single plan for the purposes of determining unfair discrimination.

Subd. 5. [ADDITIONAL PROHIBITION.] *In addition to other prohibitions contained in this chapter, no data service organization shall:*

(a) Refuse to supply any service for which it is licensed or any data, except for data identifiable to an individual insurer, to any insurer authorized to do business in this state which offers to pay the usual compensation for the service or data;

(b) Require the purchase of any specific service as a condition to obtaining any other services sought;

(c) Participate in the development or distribution of rates, rating plans, or rating rules except as specifically authorized by this chapter or by rules adopted pursuant to this chapter; or

(d) Refuse membership to any licensed insurer.

Sec. 29. [79.60] [INSURERS; REQUIRED AND PERMITTED ACTIVITY.]

Subdivision 1. [REQUIRED ACTIVITY.] *Each insurer shall perform the*

following activities:

(a) Maintain membership in and report loss experience data to a licensed data service organization in accordance with the statistical plan and rules of the organization as approved by the commissioner;

(b) Establish a plan for merit rating which shall be consistently applied to all insureds, provided that members of a data service organization may use merit rating plans developed by that data service organization;

(c) Provide an annual report to the commissioner containing the information and prepared in the form required by the commissioner; and

(d) Keep a record of the premiums and losses paid under each workers' compensation policy written in Minnesota in the form required by the commissioner.

Subd. 2. [PERMITTED ACTIVITY.] *In addition to any other activities not prohibited by chapter 79, insurers may:*

(a) Through licensed data service organizations, individually, or with insurers commonly owned, managed, or controlled, conduct research and collect statistics to investigate, identify, and classify information relating to causes or prevention of losses;

(b) Develop and use classification plans and rates based upon any reasonable factors; and

(c) Develop rules for the assignment of risks to classifications.

Sec. 30. [79.61] [DATA SERVICE ORGANIZATIONS; REQUIRED AND PERMITTED ACTIVITY.]

Subdivision 1. [REQUIRED ACTIVITY.] *Any data service organization shall perform the following activities:*

(a) File statistical plans, including classification definitions, amendments to the plans, and definitions, with the commissioner for approval, and assign each compensation risk written by its members to its approved classification for reporting purposes;

(b) Establish requirements for data reporting and monitoring methods to maintain a high quality data base;

(c) Prepare and distribute a periodic report, in a form prescribed by the commissioner, on ratemaking including, but not limited to the following elements:

(i) development factors and alternative derivations;

(ii) trend factors and alternative derivations and applications;

(iii) pure premium relativities for the approved classification system for which data are reported, provided that the relativities for insureds engaged in similar occupations and presenting substantially similar risks shall, if different, differ by at least ten percent; and

(iv) an evaluation of the effects of changes in law on loss data.

The report shall also include explicit discussion and explanation of methodology, alternatives examined, assumptions adopted, and areas of judgment

and reasoning supporting judgments entered into, and the effect of various combinations of these elements on indications for modification of an overall pure premium rate level change. The pure premium relativities and rate level indications shall not include a loading for expenses or profit and no expense or profit data or recommendations relating to expense or profit shall be included in the report or collected by a data service organization;

(d) Collect, compile, summarize, and distribute data from members or other sources pursuant to a statistical plan approved by the commissioner;

(e) Prepare merit rating plan and calculate any variable factors necessary for utilization of the plan. Such a plan may be used by any of its members, at the option of the member provided that the application of a plan shall not result in rates that are unfairly discriminatory;

(f) Provide loss data specific to an insured to the insured at a reasonable cost;

(g) Distribute information to an insured or interested party that is filed with the commissioner and is open to public inspection; and

(h) Assess its members for operating expenses on a fair and equitable basis.

Subd. 2. [PERMITTED ACTIVITY.] *In addition to any other activities not prohibited by chapter 79, any data service organization may:*

(a) Collect and analyze data in order to investigate, identify, and classify information relating to causes or prevention of losses;

(b) Make inspections for the sole purpose of reporting and maintaining data quality;

(c) Contract with another data service organization to fulfill any of the above requirements; and

(d) Prepare and file with the commissioner a rating plan for use by any of its members, provided that no member may be required to use any part of the plan.

Sec. 31. [79.62] [DATA SERVICE ORGANIZATIONS; LICENSING, EXAMINATION.]

Subdivision 1. [LICENSE REQUIRED.] *No data service organization shall provide any service and no insurer shall use the services of a data service organization unless the organization is licensed by the commissioner.*

Subd. 2. [PROCEDURE; APPLICATION.] *A data service organization shall apply for a license in a form and manner prescribed by the commissioner. The application of a data service organization shall include:*

(a) A copy of its constitution, articles of incorporation, bylaws, and other rules pertaining to the conduct of its business;

(b) A plan and narrative describing how it will perform the activities required by sections 11 and 14;

(c) A statement showing its technical qualifications; and

(d) Any other information that the commissioner may reasonably require.

Subd. 3. [ISSUANCE.] *The commissioner, upon finding that the applicant organization is qualified to provide the services required and proposed, or has*

contracted with a licensed data service organization to purchase these services which are required by chapter 79 but are not provided directly by the applicant, and that all requirements of law are met, shall issue a license. Licenses shall remain in effect until the licensee withdraws from business or until the license is suspended or revoked.

Subd. 4. [SUSPENSION; REVOCATION.] *The commissioner may, after a hearing on the record, revoke or suspend the license of a data service organization if he finds that the organization is not in compliance with the requirements of chapter 79 or rules issued thereunder.*

Subd. 5. [LICENSEE EXAMINATION.] *The commissioner may examine any licensed data service organization to determine whether its activities and practices comply with law. The cost of the examination shall be paid by the examined organization.*

Sec. 32. [79.63] [ASSIGNED RISK PLAN.]

Subdivision 1. [ADMINISTRATION.] *The commissioner shall appoint a licensed data service organization to administer the assigned risk plan. The appointed data service organization shall submit to the commissioner for approval a plan and rules for administering the assigned risk plan, including a method or formula by which the organization is to be paid for administrative services.*

Subd. 2. [REJECTION; NOTICE.] *An insurer that refuses to write insurance for an applicant shall furnish the applicant a written notice of refusal and shall file a copy of the notice of refusal with the data service organization appointed pursuant to subdivision 1. Servicing insurers designated pursuant to subdivision 3 shall accept and insure any applicant for workers' compensation insurance assigned pursuant to subdivision 3.*

Subd. 3. [ASSIGNMENT.] *An insurer or insurers shall be designated by the data service organization appointed pursuant to subdivision 1 to issue a policy of workers' compensation insurance to an applicant which has been refused insurance. A policy shall contain the usual and customary provisions of workers' compensation insurance policies, but for which undertaking all insurers doing workers' compensation business in this state shall be reinsurers among themselves in the amount which the compensation insurance written in this state during the preceding calendar year by each insurer bears to the total compensation insurance written in this state during that calendar year by all insurers.*

An insurer that issues a policy pursuant to this section shall receive an expense allowance which shall be adequate for services rendered, as approved by the commissioner.

Subd. 4. [PENALTY.] *The commissioner may revoke the license of an insurer or agent for refusing or failing to provide an applicant with written refusal pursuant to subdivision 2 or for any other violation of this section or of the approved rules of a data service organization.*

Subd. 5. [ASSIGNED RISK RATES.] *Insureds served by the workers' compensation insurance assigned risk plan shall be charged premiums based upon a rating plan, rates, and a merit rating plan adopted by the commissioner by rule. This rating plan shall include a feature by which rates shall vary in*

relation to the number or proportion of insureds in the assigned risk plan in the preceding calendar year. This relationship shall be such that assigned risk rates shall vary upward as the number or proportion of insureds in the assigned risk plan decreases and downward as the number or proportion increases. Assigned risk premiums shall not be lower than the rates generally charged by insurers for the business.

Sec. 33. Minnesota Statutes 1980, Section 60C.04, is amended to read:

60C.04 [CREATION.]

All insurers subject to the provisions of Laws 1971, Chapter 145 shall form an organization to be known as the Minnesota insurance guaranty association. All insurers defined as member insurers in section 60C.03, subdivision 6, are and shall remain members of the association as a condition of their authority to transact insurance business or to execute surety bonds in this state. The association shall perform its functions under a plan of operation established and approved under section 60C.07 and shall exercise its powers through a board of directors established under section 60C.08. For purposes of administration and assessment the association shall be divided into ~~four~~ *five* separate accounts: (1) the automobile insurance account, (2) the township mutuals account, (3) the fidelity and surety bond account ~~and~~, (4) the account for all other insurance to which Laws 1971, Chapter 145 applies, *and (5) the workers' compensation insurance account.*

Sec. 34. Minnesota Statutes 1980, Section 60C.09, Subdivision 2, is amended to read:

Subd. 2. [LIMITATION OF AMOUNT.] Payment of a covered claim is limited to the amount by which the allowance on any claim exceeds $100 and is less than $300,000. *The limitation on the amount of payment for a covered claim does not apply to claims for workers' compensation insurance.* In no event is the association obligated to the policyholder or claimant in an amount in excess of the obligation of the insurer under the policy from which the claim arises."

Page 15, line 14, delete "*commissioner of the department of labor and industry*" and insert "*legislative coordinating commission*"

Page 15, line 16, after "*department*" insert "*of labor and industry*"

Page 15, line 22, after the period insert "*The installation of any computer facilities and their operation shall be completed by October 1, 1981.*"

Page 16, line 33, strike "prescribe" and insert "*adopt*" and strike "and regulations"

Page 16, line 35, strike "nonappellate" and delete "*and matters*"

Page 17, line 25, delete "*end*" and insert "*expire*"

Page 17, line 26, after "*January*" insert "*of the year in which the terms expire*"

Page 18, line 12, after the period insert "*The workers' compensation court of appeals shall also exercise appellate jurisdiction under the laws governing employees of the state, a county or other governmental subdivision who contract tuberculosis.*"

Page 19, line 15, delete everything after "*area*"

Page 19, line 16, delete everything before the period

Page 20, delete subdivision 3

Renumber the subdivisions in sequence

Page 20, line 36, delete "*his*" and insert "*its*"

Page 21, line 27, delete "*this*" and after "*chapter*" insert "*176*"

Page 21, line 30, after "*provided*" insert "*to injured workers*"

Page 21, line 31, delete "*this*" and after "*chapter*" insert "*176*"

Page 21, after line 31, insert:

"Sec. 51. Laws 1980, Chapter 556, Section 12, is reenacted to read:

Sec. 12. Minnesota Statutes 1978, Section 176.011, Subdivision 11a, is amended to read:

Subd. 11a. [FAMILY FARM.] "Family farm" means any farm operation which pays or is obligated to pay less than ~~$4,000~~ *$8,000* in cash wages, exclusive of machine hire, to farm laborers for services rendered during the preceding calendar year. For purposes of this subdivision, farm laborer does not include any spouse, parent or child, regardless of age, of a farmer employed by the farmer, or any executive officer of a family farm corporation as defined in section 500.24, subdivision 1, or any spouse, parent or child, regardless of age, of such an officer employed by that family farm corporation, or other farmers in the same community or members of their families exchanging work with the employer. Notwithstanding any law to the contrary, a farm laborer shall not be considered as an independent contractor for the purposes of this chapter."

Page 22, line 14, delete "*this*" and after "*chapter*" insert "*176*"

Page 24, line 23, delete "*this*" and after "*chapter*" insert "*176*"

Pages 22 to 24, delete Section 32 and insert:

"Sec. 54. Minnesota Statutes 1980, Section 176.021, Subdivision 3, is amended to read:

Subd. 3. [COMPENSATION, COMMENCEMENT OF PAYMENT.] All employers shall commence payment of the compensation at the time and in the manner prescribed by this chapter without the necessity of any agreement or any order of the division. Except those of medical, burial, and other non-periodic benefits, payments shall be made as nearly as may be at the intervals when the wage was payable; provided, however, that payments for permanent partial disability in cases in which return to work ~~occurs prior to four weeks from the date of injury shall be made by lump sum payment,~~ *has occurred as provided in subdivision 3a* and the provisions of section 176.165 shall not apply, without the necessity of any agreement, or order of the division~~, upon cessation of payments for temporary total disability and upon the employee's return to work. In cases in which return to work does not occur prior to four weeks after injury, payments for permanent partial disability shall be made according to the following schedule: 25 percent of the amount due after four weeks from the~~

~~date of injury, 25 percent after eight weeks, 25 percent after 12 weeks and 25 percent after 16 weeks, provided that any and all payments remaining shall be paid upon the cessation of payments for temporary total disability and upon the employee's return to work~~. If doubt exists at that time as to the eventual permanent partial disability, payment shall be then made *when due* for the minimum permanent partial disability ascertainable ~~in lump sum~~, and further ~~lump sum~~ payment shall be made upon any later ascertainment of greater permanent partial disability. At the time of the tender of the lump sum payment, the employee and employer shall be furnished with a copy of the medical report upon which the payment is based, together with a statement by the insurer as to whether the tendered payment is for minimum permanent partial disability or final and eventual disability. Compensation for permanent partial disability is payable concurrently and in addition to compensation for temporary total disability and temporary partial disability as set forth in section 176.101, subdivisions 1 and 2, and for permanent total disability as defined in section 176.101, subdivision 5~~;~~ ~~and such~~ *the* compensation for permanent partial disability shall ~~not~~ be deferred pending completion of payment for temporary *total* disability *but shall not be deferred pending compensation of payment for temporary partial disability* or permanent total disability, and no credit shall be taken for payment of permanent partial disability against liability for *temporary total or* permanent total disability. Liability on the part of an employer or his insurer for disability of a temporary total, temporary partial, and permanent total nature shall be considered as a continuing product and part of the employee's inability to earn or reduction in earning capacity due to injury or occupational disease and shall be payable accordingly. Permanent partial disability is payable for functional loss of use or impairment of function, permanent in nature, and payment therefore shall be separate, distinct, and in addition to payment for any other compensation. The right to receive temporary total, temporary partial, permanent partial or permanent total disability payments shall vest in the injured employee or his dependents under this chapter or, if none, in his legal heirs at the time the disability can be ascertained and the right shall not be abrogated by the employee's death prior to the making of the payment.

Sec. 55. Minnesota Statutes 1980, Section 176.021, is amended by adding a subdivision to read:

Subd. 3a. [PERMANENT PARTIAL BENEFITS, PAYMENT.] *Payments for permanent partial disability shall be made in the following manner:*

(a) When the employee returns to work, payment shall be made by lump sum;

(b) When temporary total payments have ceased but the employee has not returned to work, payment shall be made at the same intervals as temporary total payments were made based on the amount due;

(c) If temporary total disability payments cease because the employee is receiving payments for permanent total disability or because the employee is retiring or has retired from the work force, then payment shall be made by lump sum;

(d) If the employee completes a rehabilitation plan pursuant to section 176.302 but the employer does not furnish the employee with work he can do in his permanently partially disabled condition and the employee is unable to procure such work with another employer, then payment shall be made by lump

sum.''

Page 25, line 2, after ''*appeals*'' insert ''*or the district court*''

Page 25, line 18, strike the comma

Page 25, line 19, strike ''such'' and insert ''*the*'' and delete the second comma

Page 25, line 20, delete the comma

Page 25, line 30, strike ''jointly''

Page 26, line 31, reinstate the stricken ''by'' and after the stricken ''him'' insert ''*them*''

Page 26, line 35, strike the comma

Page 27, line 1, delete both commas

Page 27, line 5, delete the first comma

Page 27, line 6, delete the comma

Page 27, line 7, delete the comma

Page 27, line 8, delete the second comma

Page 27, line 9, delete the comma

Page 27, line 17, delete the comma

Page 28, line 33, after ''to'' insert ''*the*'' and delete ''*and*'' and insert ''*or*''

Page 28, line 34, after ''which'' insert ''*the*''

Page 28, line 36, strike ''such'' and insert ''*the*''

Page 29, line 7, delete the first comma and after ''*or*'' insert ''*the*'' and delete the second comma

Page 29, line 8, strike ''his'' and insert ''*the*''

Page 29, line 13, strike ''such'' and insert ''*the*''

Page 29, line 14, strike ''by him''

Page 29, line 15, strike ''such'' and insert ''*the*''

Page 29, line 20, strike ''such'' and insert ''*the*''

Page 30, line 2, strike ''the''

Page 30, strike line 3 and insert ''*a*''

Page 30, line 4, after ''judge,'' insert ''*judge of the district court,*'' and after ''or'' insert ''*the*''

Page 30, line 13, strike ''judge'' and insert ''*or the district court*''

Page 30, line 14, strike ''only'' and strike ''in settlements upon''

Page 30, line 15, strike ''appeal before them''

Page 30, after line 26, insert:

''Sec. 65. Minnesota Statutes 1980, Section 176.081, Subdivision 2, is

amended to read:

Subd. 2. Any application for attorney fees in excess of the amount which a compensation judge ~~or the workers' compensation court of appeals~~ may authorize shall be made to the ~~commissioner of labor and industry~~ *workers' compensation court of appeals* . The application shall set forth the fee requested and the basis for such request and whether or not a hearing is requested. The application, with affidavit of service upon the employee, shall be filed by the attorney requesting the fee. If a hearing is requested by an interested party, a hearing shall be set with notice of such hearing served upon known interested parties. In all cases the employee shall be served with notice of hearing.

Sec. 66. Minnesota Statutes 1980, Section 176.081, Subdivision 3, is amended to read:

Subd. 3. An employee who is dissatisfied with his attorney fees, may file an application for review by the ~~commissioner of labor and industry~~ *workers' compensation court of appeals* . Such application shall state the basis for the need of review and whether or not a hearing is requested. A copy of such application shall be served upon the attorney for the employee by the commissioner and if a hearing is requested by either party, the matter shall be set for hearing. The notice of hearing shall be served upon known interested parties. The attorney for the employee shall be served with a notice of the hearing. The ~~commissioner of labor and industry~~ *workers' compensation court of appeals* shall have the authority to raise the question of the issue of the attorney fees at any time upon ~~his~~ *its* own motion and shall have continuing jurisdiction over attorney fees.

Sec. 67. Minnesota Statutes 1980, Section 176.081, Subdivision 4, is amended to read:

Subd. 4. The review of a determination by the ~~commissioner of labor and industry~~ *workers' compensation court of appeals* shall be only by supreme court by certiorari upon the ground that it is arbitrary and unwarranted by the evidence. There shall be no review under sections 176.421 and 176.442.

Sec. 68. Minnesota Statutes 1980, Section 176.081, Subdivision 6, is amended to read:

Subd. 6. The ~~commissioner of labor and industry~~ *workers' compensation court of appeals* may ~~prescribe~~ *adopt* reasonable and proper rules ~~and regulations~~ to effect ~~his and the division's~~ *its* obligations under this section ~~without regard to the joint prescription required under section 175.17, subdivision~~ 3 ."

Page 31, line 5, delete "*Notwithstanding the provisions of subdivision 7,*"

Page 31, line 7, after "*employee*" insert "*shall not be entitled to the provisions of subdivision 7 and*"

Page 31, line 12, delete "*Notwithstanding the provisions of subdivision 7,*"

Page 31, line 24, delete "*this*" and after "*chapter*" insert "*176*"

Page 31, line 28, delete "*had explained*" and insert "*has received an explanation of*"

Page 31, line 32, delete "*this*"

Page 31, line 33, after "*chapter*" insert "*176*"

Page 31, line 35, delete "*this*" and after "*chapter*" insert "*176*"

Page 35, line 17, strike ", the commissioner," and after "or" insert "*as determined by*"

Page 35, line 18, after "appeals" insert "*in cases on appeal*"

Page 38, line 1, after "*Upon*" insert "*the*" and after "*request*" insert "*of*"

Page 38, line 2, delete "*shall be provided*" and insert a comma

Page 38, line 3, after "*services*" insert "*shall be provided*"

Page 38, line 7, after "*who*" insert "*either has not been employed full-time for five years or more, or who*"

Page 38, line 8, after "*employed*" insert a comma and delete "*an*" and insert "*a usual and customary*"

Page 38, line 9, after "*position*" insert "*in which the surviving spouse was engaged prior to the death of the employee and*"

Page 38, after line 12, insert:

"*"Rehabilitation services" means, for the purposes of this subdivision, services required to determine a surviving spouse's eligibility as a qualified dependent surviving spouse and services designed to enable an individual to obtain employment in:*

(a) A job related to the individual's former employment, if any, and if it provides a reasonable living wage or salary;

(b) A job in another work field which provides a reasonable living wage or salary;

(c) A job with a higher wage or salary than would have been obtained in a job under clauses (a) or (b) if it can be demonstrated that this is necessary to increase the likelihood of employment or reemployment."

Page 39, lines 8 and 9, delete the new language

Page 39, line 13, after "*spouse*" insert ", *at the option of the spouse,*"

Page 39, lines 16 and 17, delete "*which would have been due*" and insert ", *as defined in section 78,*"

Page 39, line 18, after "*benefits*" insert "*for a period of ten years*"

Page 39, lines 19 and 20, delete "*which would have been due*" and insert ", *as defined in section 78,*"

Page 39, line 30, delete "*section*" and insert "*subdivision*"

Page 39, line 36, delete ", *at the*"

Page 40, line 1, delete "*option of the spouse*"

Page 40, line 5, after "*paid*" insert ", *at the option of the spouse,*"

Page 40, line 9, delete "*which would have been due*" and insert ", *as defined in section 51,*"

Page 40, line 11, after "*benefits*" insert "*for a period of ten years*"

Page 40, line 12, delete "*indemnification*" and insert " *workers' compen-*

sation'' and delete ''*made*'' and insert '', *as defined in section 51,*''

Page 40, line 21, delete ''*section*'' and insert ''*subdivision*''

Page 40, line 27, at the end of the line, delete ''*payment*''

Page 40, delete line 28 and insert ''*that would have been paid without the*''

Page 40, line 36, after ''appeals'' insert ''*or district court*''

Page 42, line 23, delete ''*as*''

Page 43, line 22, delete ''*1980*'' and insert ''*1981*''

Page 44, line 19, reinstate the stricken language

Page 44, line 20, reinstate the stricken ''compensation court of appeals'' and after ''appeals'' insert ''*or district court*'' and reinstate the stricken ''in cases before'' and after the stricken ''it'' insert ''*them*'' and delete ''*on its own*''

Page 44, line 21, delete ''*order or an order of a court*''

Page 44, line 29, strike ''or'' and insert a comma and reinstate the stricken language and after ''appeals'' insert '', *or*'' and after ''*a*'' and before ''*court*'' insert ''*district*''

Page 44, strike lines 33 to 36

Page 45, strike line 1 and insert:

''*Costs within the department of labor and industry for the accounting, investigation and legal procedures necessary for the administration of the programs financed by the special compensation fund shall come from the fund during each biennium commencing July 1, 1981. Staffing and expenditures related to the administration of the special compensation fund shall be approved through the regular budget and appropriations process.*''

Page 45, line 25, delete ''*shall*'' and insert ''*may*''

Page 47, line 29, delete ''PHYSICIAN'' and insert ''PANEL''

Page 47, line 30, after ''*physicians*'' insert '', *podiatrists, chiropractors and other health care providers*''

Page 48, line 3, delete ''*physicians*'' and insert '' *appropriate health care providers*''

Page 48, line 6, delete ''*physician*'' and insert ''*of the health care providers finally selected*''

Page 48, line 16, delete ''*physicians*'' and insert ''*members*''

Page 48, line 22, after ''*physician*'' insert '', *podiatrist, chiropractor or other health care provider*''

Page 48, line 26, after ''*physician*'' insert '', *podiatrist, chiropractor or other health care provider*''

Page 49, line 2, delete ''*physicians*'' and insert ''*health care providers*''

Page 49, after line 4, insert:

''*Subd. 8.* [LIMITATION.] *The provisions of this section shall operate in lieu of section 176.155, subdivision 2, in the counties in which the medical*

panel is established pursuant to this section.''

Page 50, line 22, after ''industry'' insert a comma

Page 54, line 7, after ''*adopted*'' insert ''*pursuant to chapter 176*''

Page 54, line 8, after ''*requires*'' insert ''*employers applying to group self-insure to file a financial statement certified by*'' and delete ''*the employment of*''

Page 54, line 10, after ''*accountant*'' '' insert ''*by group self-insurers*''

Page 54, line 12, after ''*regarding*'' insert ''*group*''

Page 54, line 13, after ''*to*'' insert ''*group*''

Page 54, line 30, delete ''*he*'' and insert ''*the commissioner*''

Page 55, line 11, delete ''*he acts*'' and insert ''*action is taken*''

Page 56, line 32, delete ''*to not be as*'' and insert ''*is not*''

Page 56, line 33, after ''*injury,*'' insert ''*and upon notice of discontinuance given to the employee pursuant to section 176.241,*'' and delete ''*and*''

Page 56, line 34, delete everything before the period

Page 57, line 21, after ''which'' insert ''*the*''

Page 58, line 9, delete the new language

Page 58, delete line 10

Page 58, line 11, after ''5'' insert ''*and any increase in benefit payments provided by section 176.225, subdivision 5,*''

Page 58, lines 17 and 18, delete the new language

Page 59, delete lines 24 and 25

Page 59, line 26, delete ''*fails*'' and insert ''*When the commissioner determines that an insurer or self-insurer has continually failed*''

Page 60, line 3, after ''case'' insert ''*and shall also file a verified copy of the same report with the agency or individual who made the request*''

Page 60, line 14, after ''*division*'' insert ''*by the employer*''

Page 61, line 10, delete ''*this*'' and after ''*chapter*'' insert ''*176*''

Page 61, line 19, after ''shall'' insert ''*request that the chief hearing examiner*''

Page 61, line 29, delete ''*SHALL*'' and insert ''*MAY*''

Page 61, line 35, strike ''to'' and insert ''. *These employees may*''

Page 62, line 11, delete ''[176.263]''

Page 63, line 11, strike ''it hears'' and insert ''*they hear*'' and strike ''originally''

Page 63, lines 30 and 31, strike ''. The division shall hear'' and insert '', *including*''

Page 64, after line 17, insert:

"Sec. 106. [176.306] [SCHEDULING HEARINGS.]

Subdivision 1. [CHIEF HEARING EXAMINER.] *The chief hearing examiner shall schedule workers' compensation hearings on as regular a schedule as may be practicable and necessary on a statewide basis in no fewer than six geographical areas of the state, including at least four areas outside of the seven county metropolitan area and Duluth, for the purpose of providing a convenient forum for parties to a compensation hearing.*

Subd. 2. [DISTRICT ADMINISTRATORS; CLERKS OF COURT.] *The judicial district administrators or the clerks of court of the county or district courts nearest to the locations selected by the chief hearing examiner pursuant to subdivision 3 shall provide suitable hearing rooms at the times and places agreed upon for the purpose of conducting workers' compensation hearings.*"

Page 64, line 30, strike "such" and insert "*that*"

Page 64, strike line 31

Page 64, lines 34 and 35, strike "commissioner of the department of labor and industry or"

Page 64, line 35, strike "any" and insert "*an*"

Page 65, line 1, strike "such" and after "proof" insert "*of an alleged fact*"

Page 65, line 5, strike "such"

Page 65, lines 6 and 7, strike "commissioner of the department of labor and industry or"

Page 65, lines 8 and 9, strike "such fact" and insert "*the insufficiency of facts*"

Page 65, delete line 15

Page 65, line 16, delete "*case*" and insert "*referring the case to the office of administrative hearings*"

Page 65, line 17, after "shall" insert "*request that the chief hearing examiner*"

Page 65, line 18, strike everything after "held"

Page 65, strike lines 19 and 20

Page 65, line 21, strike everything before the period and insert "*as soon as practicable and at a time and place determined by the chief hearing examiner to be the most convenient for the parties, keeping in mind the intent of chapter 176 as expressed in section 50*"

Page 67, line 7, strike "a" and delete "*three panel*"

Page 67, lines 7 and 8, strike "judge of the workers' compensation court of appeals or" and insert "*the chief hearing examiner for assignment*"

Page 67, line 14, delete the new language and strike the old language

Page 67, line 15, strike "or" and delete "*to*" and strike "a"

Page 69, lines 16 and 17, strike "judge of the workers' compensation court of appeals or"

Page 69, after line 28, insert:

"Sec. 118. Minnesota Statutes 1980, Section 176.421, Subdivision 4, is amended to read:

Subd. 4. [SERVICE AND FILING OF NOTICE; COST OF TRANSCRIPT.] Within the 30 day period for taking an appeal, the appellant shall:

(1) Serve a copy of the notice of appeal on each adverse party;

(2) File the original notice, with proof of service by admission or affidavit, with the commissioner of the department of labor and industry;

(3) In order to defray the cost of the transcript of the proceedings appealed from, pay to the ~~commissioner of the department of labor and industry~~ *chief hearing examiner* the sum of $10 or so much of that sum as is necessary to present the question raised on the appeal.

The appellant is liable for the cost of the transcript in excess of $10, but is entitled to a refund of any part of that sum not used to pay the cost of the transcript.

Upon a showing of cause, the commissioner of the department of labor and industry may ~~direct~~ *request* that a transcript be prepared without expense to the appellant, *in which case the cost of the transcript shall be paid by the department.*"

Page 70, line 23, strike "or" and delete "*a*" and strike "compensation"

Page 70, line 24, strike "judge"

Page 70, line 25, after "provide" insert "*either*" and after "stenographer" insert "*or an audio magnetic recording device*"

Page 70, line 27, strike "stenographer" and insert " *commissioner*"

Page 70, line 29, after "charge" insert "*to the commissioner*"

Page 71, line 1, delete the new language and insert "*on the record*"

Page 71, line 5, reinstate the stricken language and delete the new language

Page 71, line 6, delete the new language

Page 71, line 19, strike "de novo" and insert "*on the record*" and reinstate the stricken semicolon and the stricken "or"

Page 71, line 20, reinstate the stricken "(2)" and after "for" delete "*the*" and insert "*a*"

Page 71, line 23, after "the" insert "*de novo hearing or the*"

Page 71, line 25, reinstate the stricken "(3)" and delete " *(2)*"

Page 72, line 1, after "to" insert "*the chief hearing examiner for assignment to*"

Page 74, line 9, after "appeals" insert "*or district court*"

Page 74, line 10, after "appeals" insert "*or district court*"

Page 77, line 4, before "*It*" insert "*Subdivision 1.* [PURPOSE.]"

Page 77, line 9, after the period insert "*The offices of the compensation*

judges shall be physically located in a building separate from the offices of the department of labor and industry."

Page 77, after line 17, insert:

"*Subd. 2.* [PERSONNEL, EQUIPMENT.] *All personnel appointed by the commissioner of labor and industry to perform full time duties as compensation judges, except those compensation judges assigned to settlement conference activities, or in support of the functions of the compensation judges are transferred to the office of administrative hearings.*

All equipment and supplies used solely by the transferred personnel in the performance of their duties are transferred to the office of administrative hearings.

Subd. 3. [COOPERATION.] *On the effective date of this act, the commissioner of labor and industry, the commissioner of administration and the chief hearing examiner shall cooperate in assuring a smooth transfer of the compensation judges and related personnel and equipment and supplies as provided in this act.*

Subd. 4. [EFFECTIVE DATE.] *The transfers required under this section are effective on July 1, 1981. The physical relocation of the offices of the compensation judges shall be accomplished by no later than January 1, 1982.*

Sec. 138. [UNEXPENDED FUNDS.]

The unexpended balance of any appropriation to the department of labor and industry for the purposes of any of its functions, powers, or duties which are transferred by this act to the workers' compensation court of appeals, the office of hearing examiners or the attorney general are hereby transferred to the workers' compensation court of appeals, the office of hearing examiners and the attorney general, allocated to each agency or department in appropriate amounts as determined by the commissioner of finance. When the functions, powers and duties that are affected by this act are the responsibility of the department of labor and industry and another department or agency, the commissioner of finance shall allocate any unexpended appropriation to the department or agency between the department of labor and industry and the other departments or agencies affected, as may be appropriate."

Page 77, line 21, delete "*this chapter*" and insert "*Minnesota Statutes, Chapter 79*"

Page 77, line 24, after "*date*" insert ", *as a reflection of the changes in benefits provided by sections 53, 54, 55, 56, 75 to 80, 93, 94, and 134, and by not less than 20 percent as a reflection of the provisions of section 14*"

Page 77, lines 25 and 26, delete "*be in addition to the reduction provided in section 9 and shall*"

Page 77, line 30, delete "*chapter*" and insert "*Minnesota Statutes, Chapter*"

Page 77, line 32, delete "*chapter*" and insert "*Minnesota Statutes, Chapter*"

Page 78, after line 6, insert:

"Sec. 141. [SALARY INCREASES.]

The salary of the commissioner of insurance is increased to $40,500. The salary of the chief hearing examiner is increased to $44,000."

Page 78, line 9, delete "*commissioner of labor and industry*" and insert "*legislative coordinating commission*"

Page 78, line 10, after the period insert "*The commissioner of labor and industry shall cooperate fully with the legislative coordinating commission in implementing the provisions of sections 35 and 36.*"

Page 78, line 11, after the dollar sign, insert "*150,000*"

Page 78, line 24, delete "..... ....." and insert "*$40,000 $40,000*"

Page 78, line 25, delete "...." and insert "*5*"

Page 78, line 26, after the dollar sign, insert "*675,800*"

Page 78, line 30, delete "...." and insert "*10*"

Page 78, line 33, delete "...." and insert "*17*"

Page 78, line 35, before "*Minnesota*" insert "*Minnesota Statutes 1980, Sections 79.074, Subdivision 1; 79.075; 79.076; 79.08; 79.09; 79.11; 79.12; 79.13; 79.14; 79.15; 79.16; 79.17; 79.171; 79.18; 79.19; 79.20; 79.21; 79.22, Subdivision 1; 79.221; 79.23; 79.24; 79.25; 79.26; 79.27; 79.28; 79.29; 79.30; 79.31; 79.32; and 79.33 are repealed effective July 1, 1983. Minnesota Statutes 1980, Sections 79.071, Subdivisions 1, 2, 3, 4, 5, 6, and 7; 79.072; and 79.073 are repealed effective January 1, 1986;*"

Page 78, line 36, delete "*176.155,*"

Page 79, line 1, delete "*Subdivision 2;*"

Page 79, delete lines 3 to 5, and insert "*Sections 12, 14, 19, 20, 21, 33, 34, and 35 are effective the day following final enactment. Sections 1 to 8; 10, 11, 13, 15 to 18; 36 to 50; 52 to 92; and 96 to 143 are effective July 1, 1981. Sections 93 to 95 are effective October 1, 1981. Section 9 is effective January 1, 1982. Sections 22 to 32 are effective July 1, 1983. Section 51 is effective retroactively to April 12, 1980.*"

Renumber the sections in sequence

Amend the title as follows:

Page 2, line 28, after "Sections" insert "10A.01, Subdivision 18;"

Page 2, line 29, delete "and 3" and insert "2, 3, 4, and 5"

Page 2, line 30, after the first semicolon, insert "60C.04; 60C.09, Subdivision 2;"

Page 2, line 31, after the first comma, insert "Subdivision 1, and"

Page 2, line 37, delete "Subdivison" and insert "Subdivisions" and after "1" insert ", 2, 3, 4, and 6"

Page 2, line 49, before "5" insert "4,"

Page 2, line 57, after "Sections" insert "79.071, Subdivisions 1, 2, 3, 4, 5, 6 and 7; 79.072; 79.073; 79.074, Subdivision 1; 79.075 to 79.09; 79.11 to 79.21; 79.22, Subdivision 1; 79.221 to 79.33;"

Page 2, lines 58 and 59, delete "176.155, Subdivision 2;"

Page 2, line 59, before the period, insert "reenacting Laws 1980, Chapter 556, Section 12"

And when so amended the bill do pass.

Mr. Moe, R.D. moved the adoption of the foregoing committee report. The motion prevailed. Report adopted.

SECOND READING OF SENATE BILLS

S. F. No. 359 was read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that the Senate do now adjourn until 1:00 p.m., Monday, April 20, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRTY-SEVENTH DAY

St. Paul, Minnesota, Monday, April 20, 1981

The Senate met at 1:00 p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Laurits C. Nielsen.

The roll was called, and the following Senators answered to their names:

Ashbach	Dicklich	Kronebusch	Penny	Sikorski
Bang	Dieterich	Langseth	Peterson, C.C.	Solon
Belanger	Engler	Lantry	Peterson, D.L.	Spear
Benson	Frank	Lessard	Peterson, R.W.	Stern
Berg	Frederick	Lindgren	Petty	Stokowski
Berglin	Frederickson	Luther	Pillsbury	Stumpf
Bernhagen	Hanson	Menning	Purfeerst	Taylor
Bertram	Hughes	Merriam	Ramstad	Tennessen
Brataas	Humphrey	Moe, D.M.	Renneke	Ulland
Chmielewski	Johnson	Moe, R.D.	Rued	Vega
Dahl	Knoll	Nelson	Schmitz	Waldorf
Davies	Knutson	Olhoft	Setzepfandt	Wegener
Davis	Kroening	Pehler	Sieloff	Willet

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Mr. Keefe was excused from the Session of today. Mr. Lessard was excused from the Session of today from 1:00 to 2:30 p.m. Mr. Pillsbury was excused from the Session of today at 6:20 p.m.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 618: A bill for an act relating to public welfare; establishing a task force to study publicly funded health care programs; modifying the payment responsibility for costs of care for mentally retarded persons in state institutions; changing resource limits for recipients of aid to families with dependent children; prorating the first month's grant; reducing the scope of services provided under the medical assistance program; limiting payments to vendors;

eliminating certain income disregards; restricting eligibility for general assistance to persons who are injured, ill, or incapacitated; redefining the term "income" for purposes of determining eligibility for general assistance; limiting general assistance medical care to emergency situations; allowing the commissioner of public welfare to adjust eligibility and payment standards under certain circumstances; limiting emergency general assistance to fuel aid; setting a limit on the personal needs allowance for general assistance; providing for vendor payments; eliminating general assistance based on residence in a shelter facility; eliminating the catastrophic health expense protection program; providing a penalty; amending Minnesota Statutes 1980, Sections 245.0313; 256.73, Subdivision 2; 256.76, Subdivision 1; 256B.02, Subdivision 8; 256B.03; 256B.06, Subdivision 1; 256D.01, Subdivision 1; 256D.02, Subdivisions 4 and 8; 256D.03, Subdivisions 2 and 3, and by adding a subdivision; 256D.04; 256D.05, Subdivisions 1, 2, and 4, and by adding a subdivision; 256D.06, Subdivisions 1, 2, and 3, and by adding a subdivision; 256D.07; 256D.09; 256D.14; and 261.23; repealing Minnesota Statutes 1980, Sections 62E.51 to 62E.55; 256D.02, Subdivisions 9, 10, and 13; 256D.05, Subdivision 3; and 256D.11.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 to 3, delete sections 1 and 2 and insert:

"Section 1. Minnesota Statutes 1980, Section 62E.52, Subdivision 2, is amended to read:

Subd. 2. "Eligible person" means any person who is a resident of Minnesota and who, while a resident of Minnesota, has been found by the commissioner to have incurred an obligation to pay:

~~(1)~~ qualified expenses for himself and any dependents in any 12 consecutive months exceeding:

(a) ~~40~~ *30* percent of his household income up to $15,000, plus ~~50~~ *40* percent of his household income between $15,000 and $25,000, plus ~~60~~ *50* percent of his household income in excess of $25,000; or

(b) $2,500, whichever is greater; ~~or~~

~~(2) qualified nursing home expenses for himself and any dependents in any 12 consecutive months exceeding 20 percent of his household income~~.

The term does not include a person who has applied to the commissioner for payment of qualified expenses or qualified nursing home expenses under section 62E.53, subdivision 2, during more than three 12-month periods.

Sec. 2. Minnesota Statutes 1980, Section 62E.52, Subdivision 3, is amended to read:

Subd. 3. "Qualified expense" means any charge incurred ~~subsequent to July 1, 1977~~ *within one year prior to the eligible person's initial application,* for a health service which is included in the list of covered services described in section 62E.06, subdivision 1, and for which no third party is liable, *except that services of a nursing home, which includes both skilled nursing facilities and intermediate care facilities, for not more than 240 days in a year, are qualified expenses if the service would otherwise qualify as reimbursable ser-*

vices under medicare.

"Qualified expense" does not include a charge incurred by an individual who was a member of a health maintenance organization at the time the expense was incurred if that individual could have received the service at no cost through the health maintenance organization. If that individual could have received the service at reduced cost through the health maintenance organization, but elected instead to pay for the service elsewhere, "qualified expense" includes only the cost which would have been incurred through use of the health maintenance organization.

Sec. 3. Minnesota Statutes 1980, Section 62E.53, Subdivision 2, is amended to read:

Subd. 2. If the commissioner determines that an applicant is an eligible person, he shall pay

~~(1)~~ 90 percent of all qualified expenses of the eligible person and his dependents in excess of:

(a) ~~40~~ *30* percent of his household income under $15,000, plus ~~50~~ *40* percent of his household income between $15,000 and $25,000, plus ~~60~~ *50* percent of his household income in excess of $25,000; or

(b) $2,500;

whichever is greater for the 12 month period in which the applicant becomes an eligible person ~~and~~

~~(2) all qualified nursing home expenses of the eligible person and his dependents in excess of 20 percent of his household income. Provided, however, that the payment of qualified nursing home expenses shall not be made until the end of the fiscal year. If the appropriation for the payment of qualified nursing home expenses is inadequate to pay all qualified nursing home expenses, the commissioner shall prorate the payments among all eligible persons in proportion to their share of the total of the qualified nursing home expenses of all eligible persons.~~

Sec. 4. Minnesota Statutes 1980, Section 62E.54, is amended by adding a subdivision to read:

Subd. 3. [NONTRANSFERABILITY OF FUNDS.] *The commissioner shall not transfer funds which are appropriated for the payment of health services under the provisions of sections 62E.51 to 62E.55 to other programs of the department of public welfare."*

Pages 3 and 4, delete section 4

Page 5, line 2, delete *". payment shall be made only for"*

Page 5, lines 3 and 4, delete the new language

Page 5, lines 9 to 18, reinstate the stricken language and delete the new language

Page 5, line 19, delete the new language

Page 5, line 23, after *"commissioner"* insert *"shall designate a formulary committee which"*

Page 5, line 24, delete everything after *"payment"* and insert *"shall not be*

made."

Page 5, delete lines 25 and 26 and insert "*The formulary committee shall consist of seven members, four of whom shall be physicians who are not employed by or under contract with the department of public welfare and three of whom shall be pharmacists who are not employed by or under contract with the department of public welfare. Committee members shall serve two year terms and shall serve without compensation. Promulgation of the formulary shall be consistent with the requirements of section 15.0412, subdivision 5.*"

Page 6, line 35, delete everything after "*assistance*"

Page 6, delete line 36 and insert "*shall be the lowest of (a) the 50th percentile of the usual and customary fees for that group of practitioners based upon the billings during the calendar year preceding the fiscal year in which the determination is made of the amount to be paid the individual practitioner for the billing; or (b) the actual charge billed for the service; or (c) the median of the charges billed by that practitioner for a given service, derived from claims during the calendar year preceding the fiscal year in which the determination is made of the amount to be paid the individual practitioner for the billing; or (d) the amount permitted under federal statute or regulation.*"

Page 7, line 1, delete "*year 1978 for*" and insert "*This applies to*"

Page 8, line 15, before the semicolon, insert ". *When one spouse resides, or will reside after applying for medical assistance, in a nursing home, or is receiving or will receive alternative care under section 256B.091, subdivision 8, the cash or liquid asset amount for two family members is $10,000*"

Page 8, lines 26 to 29, reinstate the stricken language

Page 9, after line 27, insert:

"Sec. 10. Minnesota Statutes 1980, Section 256B.08, is amended to read:

256B.08 [APPLICATION.]

An applicant for medical assistance hereunder, or a person acting in his behalf, shall file his application with a county agency in such manner and form as shall be prescribed by the state agency. *When a married applicant resides in a nursing home or applies for medical assistance for nursing home services, the county agency shall consider an application on behalf of the applicant's spouse only upon specific request of the applicant or upon the spouse's separate filing of an application.*"

Page 10, line 3, delete "*temporarily*"

Page 10, line 15, delete "*due to documented*"

Page 10, line 16, delete "*injury, illness, or incapacity*" and delete "*temporarily*"

Page 10, line 17, delete everything after "*themselves*"

Page 10, line 18, delete "*temporarily meeting these criteria*"

Page 11, lines 2 to 5, reinstate the stricken language

Page 11, line 6, reinstate the stricken "recipient."

Page 11, lines 13 to 15, delete the new language

Page 13, line 3, strike everything after "care"

Page 13, line 4, strike everything before the period

Page 13, line 4, after the period, insert "*At the option of the county board, reimbursement for services under this subdivision may be limited to designated medical care providers. In designating providers, counties shall consider alternatives designed to promote cost efficiency in the delivery of quality health care services.*"

Page 14, line 6, delete "*life threatening*" and insert " *emergency*"

Page 14, line 6, after the period, insert "*In addition, payments of state aid shall be made for the costs of hospitalization, medications and physician services for persons who have been diagnosed as mentally ill and who are residents of a licensed or certified facility for purposes of health or rehabilitation.*"

Page 15, line 6, after "services;" insert "*and*"

Page 15, line 12, strike the semicolon and delete "*and*" and insert a period

Page 15, line 13, strike "(8)"

Page 15, line 23, delete "*Make necessary*"

Page 15, delete lines 24 to 28

Page 15, line 31, reinstate the stricken language and delete "*The*"

Page 15, line 32, delete the new language

Page 15, line 34, delete "*are*" and insert "*is*"

Page 15, line 35, delete the first "*or*" and insert "*of*"

Page 16, line 1, reinstate the stricken semicolon

Page 16, line 2, reinstate the stricken "provided that"

Page 16, line 5, before the colon, insert "*a recipient who has received general assistance grants for three full months in any 12-month period is ineligible for general assistance upon a determination by the local agency that the recipient does not meet any of the criteria listed below*"

Page 16, lines 11 and 14, delete "*or*" and insert "*and*"

Page 16, line 19, strike the period and insert "*; and*"

Page 16, after line 19, insert:

"*(d) A person who resides in a shelter facility described in subdivision 3; and*

(e) A displaced homemaker who is or may be eligible for services, programs, or assistance under section 4.40. In determining eligibility of a displaced homemaker, income received as a stipend shall be disregarded as provided in section 4.40.

A person shall not be ineligible for general assistance under this subdivision due to inability to secure suitable employment because of a lack of language ability, education, previous employment experience, or vocational skills, if the person is enrolled in any vocational counseling, vocational rehabilitation, or

work training program assigned to the person by the local agency.''

Page 18, line 33, after the period, insert ''*For persons receiving general assistance pursuant to section 256D.05, subdivision 1, paragraph (c),*''

Page 18, lines 33 to 35, reinstate the stricken language

Page 19, line 4, delete ''*fuel*''

Page 19, line 5, reinstate the stricken ''where the''

Page 19, line 6, reinstate the stricken language

Page 19, line 11, strike ''an applicant or'' and insert ''*a*''

Page 19, line 13, delete ''*fuel*''

Page 19, line 14, strike ''applicant or''

Page 19, line 15, delete ''*Emergency general*''

Page 19, delete lines 16 to 18

Pages 19 to 21, delete sections 24 and 25

Page 22, line 35, delete ''*life threatening*'' and insert '' *emergency*''

Page 23, line 1, delete everything after ''*Sections*''

Page 23, line 2, delete ''*62E.531; 62E.54; 62E.55;*''

Page 23, line 2, delete the second comma and insert ''*and*'' and delete ''*and 13*''

Page 23, line 3, delete ''*256D.05, Subdivision 3;*''

Page 23, after line 5, insert:

''Sec. 30. [REPORT, SUNSET PROVISION.]

The commissioner of public welfare shall report to the legislature concerning the effects of sections 1 to 29 no later than January 1, 1983. This act is repealed effective June 30, 1983.''

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete lines 2 to 36 and insert:

''relating to public welfare; modifying the payment responsibility for costs of care for mentally retarded persons in state institutions; prorating the first month's grant; reducing the scope of services provided under the medical assistance program; limiting payments to vendors; changing medical assistance eligibility standards; eliminating certain income disregards; prohibiting automatic applications for nursing home residents' spouses; restricting eligibility for general assistance; redefining the term ''income'' for purposes of determining eligibility for general assistance; limiting general assistance medical care to emergency situations; eliminating free choice of general assistance medical care vendor; setting a limit on the personal needs allowance for general assistance; modifying the catastrophic health expense protection program; providing a penalty; amending Minnesota Statutes 1980, Sections 62E.52, Subdivisions 2 and 3; 62E.53, Subdivision 2; 62E.54, by adding a subdivi-

sion; 245.0313; 256.76, Subdivision 1; 256B.02, Subdivision 8; 256B.03; 256B.06, Subdivision 1; 256B.08; 256D.01, Subdivision 1; 256D.02, Subdivisions 4 and 8; 256D.03, Subdivisions 2 and 3, and by adding a subdivision; 256D.04; 256D.05, Subdivisions 1, 2, and 4, and by adding a subdivision; 256D.06, Subdivisions 1, 2, and 3, and by adding a subdivision; 256D.14; and 261.23; repealing Minnesota Statutes 1980, Sections 256D.02, Subdivisions 9 and 10; and 256D.11."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Johnson from the Committee on Taxes and Tax Laws, to which was re-referred

S. F. No. 558: A bill for an act relating to the city of Robbinsdale; providing that certain tax increment backed bond issues shall be exempt from net debt limits.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Johnson from the Committee on Taxes and Tax Laws, to which was referred

S. F. No. 1264: A bill for an act relating to taxation; correcting the formula for limiting the property tax credit for transmission lines; amending Minnesota Statutes 1980, Section 273.42, Subdivision 2.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Johnson from the Committee on Taxes and Tax Laws, to which was re-referred

S. F. No. 744: A bill for an act relating to natural resources; changing and clarifying administrative provisions regarding watershed districts; increasing per diem for district managers; stating procedures for adopting rules by managers; requiring revision of certain plans every ten years; allowing cash bonds; permitting use of a map to show an assessment area; clarifying emergency procedures; amending Minnesota Statutes 1980, Sections 105.71, Subdivision 1a, and by adding subdivisions; 106.271; 106.471, Subdivision 1; 112.35, Subdivision 19, and by adding a subdivision; 112.36; 112.37, Subdivision 1; 112.39, Subdivision 1; 112.42, Subdivisions 5 and 6; 112.43, Subdivisions 1, 3, and by adding a subdivision; 112.46; 112.47; 112.48, Subdivisions 1, 2, and 4; 112.49, Subdivisions 1 and 7; 112.53, Subdivision 1; 112.58; 112.61, Subdivision 3; 112.62, Subdivision 1; 112.64; 112.65, Subdivision 2; and 112.801, Subdivision 8.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

H. F. No. 306: A bill for an act relating to crimes; establishing the crime of commercial bribery; prescribing penalties; proposing new law coded in Minnesota Statutes, Chapter 609.

Reports the same back with the recommendation that the bill be amended as

follows:

Page 1, line 9, before "*is*" insert ", *when not consistent with usually accepted business practice,*"

Page 1, lines 12 and 20, after "*compensation*" delete the comma and insert "*or*"

Page 1, line 12, after "*reward*" delete "*or*"

Page 1, line 13, delete "*gratuity*"

Page 1, line 13, delete the second comma

Page 1, delete line 14

Page 1, line 15, delete "*employer or principal and*"

Page 1, line 16, delete "*in relation to his employer's or principal's business*" and insert "*so as to injure, defraud, or adversely affect his employer or principal*"

Page 1, line 17, delete the second comma

Page 1, line 18, delete "*corporation or union*"

Page 1, line 20, delete "*or gratuity without the*"

Page 1, line 21, delete "*consent of his employer or principal upon*" and insert "*with*"

Page 1, line 22, delete "*in relation*" and insert "*so as to injure, defraud, or adversely affect his employer or principal*"

Page 1, line 23, delete "*to his employer's or principal's business*"

Page 2, lines 3, 6, and 9, after "*compensation*" delete the comma and insert "*or*"

Page 2, lines 3 and 6, delete "*or gratuity*"

Page 2, line 9, after "*reward*" delete "*or*"

Page 2, line 10, delete "*gratuity*"

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. 789: A bill for an act relating to natural resources; increasing motor vehicle permit fees for state parks, monuments, recreation areas, and waysides; establishing a dedicated account; appropriating money; amending Minnesota Statutes 1980, Section 85.05, Subdivisions 1 and 2; proposing new law coded in Minnesota Statutes, Chapter 85.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 922: A bill for an act relating to state lands; providing for the

conveyance of certain land to the city of Fergus Falls.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, after "*Minnesota,*" insert "*for the purpose of student housing;*"

Page 1, line 12, delete "*Mesabi*" and insert "*Fergus Falls*"

Page 1, line 12, after the period insert "*The tract shall not exceed three acres.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which were referred

H. F. Nos. 696, 937 and 1015 for comparison with companion Senate Files, reports the following House Files were found identical and recommends the House Files be given their second reading and substituted for their companion Senate Files 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.
696	576				
937	758				
1015	1169				

and that the above Senate Files 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 were referred

H. F. Nos. 569, 449 and 912 for comparison with companion Senate Files, reports the following House Files were found not identical with their companion Senate Files 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.
569	538				
449	793				
912	919				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 569 be amended as follows:

Page 1, lines 25 and 26, delete "*on the commissioner or employee*"

Page 1, line 26, after "*greater*" insert "*on the commissioner or employee*"

Page 1, line 27, after "*business*" insert "*classification*"

Page 2, lines 1 and 2, delete "*knowingly fails to submit a statement required by this subdivision or*" and after "*statement*" insert "*to the board of commissioners of an authority pursuant to this subdivision*"

Page 2, lines 10 to 12, delete "*and shall not be counted toward a quorum in any meeting of the authority considering such action or decision*"

Page 2, line 14, delete "*knowingly takes*" and insert "*is authorized to take*"

Page 2, lines 15 and 16, delete "*in which he has*" and insert "*shall not voluntarily have*"

Page 2, line 16, after "*interest*" insert "*in that sale, lease, or contract or personally benefit financially therefrom. A commissioner or employee of an authority who violates this subdivision*"

Page 2, delete lines 31 to 35

Page 2, line 36, delete "*6*" and insert "*5*"

And when so amended H. F. No. 569 will be identical to S. F.No. 538, and further recommends that H. F. No. 569 be given its second reading and substituted for S. F. No. 538, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 449 be amended as follows:

Page 1, lines 11 to 14, reinstate the stricken language

Page 1, line 14, strike "$22,500" and insert "*$28,500*"

Page 1, lines 15 to 26, reinstate the stricken language and delete the new language

Page 2, line 1, delete the new language

Page 2, line 2, reinstate the stricken "such"

Pages 2 and 3, delete all of section 2 and insert:

"Sec. 2. [EFFECTIVE DATE.]

This act is effective the day after final enactment."

Delete the title and insert:

"A bill for an act relating to courts; increasing the salary of court reporters; amending Minnesota Statutes 1980, Section 486.05, Subdivision 1."

And when so amended H. F. No. 449 will be identical to S. F.No. 793, and further recommends that H. F. No. 449 be given its second reading and substituted for S. F. No. 793, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 912 be amended as follows:

Page 60, after line 28, insert:

"Sec. 50. Laws 1980, Chapter 556, is reenacted. All acts authorized by and complying with Laws 1980, Chapter 556, are legal and valid.

Sec. 51. Minnesota Statutes 1980, Section 176.011, Subdivision 11a, is amended to read:

Subd. 11a. [FAMILY FARM.] "Family farm" means any farm operation which pays or is obligated to pay less than ~~$8,000~~ *$6,000* in cash wages, exclusive of machine hire, to farm laborers for services rendered during the preceding calendar year. For purposes of this subdivision, farm laborer does not include any spouse, parent or child, regardless of age, of a farmer employed by the farmer, or any executive officer of a family farm corporation as defined in section 500.24, subdivision 2, or any spouse, parent or child, regardless of age, of such an officer employed by that family farm corporation, or other farmers in the same community or members of their families exchanging work with the employer. Notwithstanding any law to the contrary, a farm laborer shall not be considered as an independent contractor for the purposes of this chapter; provided that a commercial baler or commercial thresherman shall be considered an independent contractor.

Sec. 52. Upon the day following final enactment section 50 is effective retroactively to April 20, 1980. Section 51 is effective the day following final enactment."

Page 60, line 29, delete "50" and insert "53"

Page 60, line 31, delete "51" and insert "54" and delete "50" and insert "53"

Page 60, line 33, delete "52" and insert "55"

Page 60, line 35, delete "53" and insert "56" and delete "52" and insert "55"

Renumber the sections in sequence

Page 81, after line 1, insert:

"Sec. 50 to 52. *Explanation.* In the engrossing and enrolling process the figure "$8,000" was incorporated into an amendment to S.F. 1775 (which became Laws 1980, Chapter 556) instead of the figure "$6,000" which was specified in the amendment passed by both houses. The act signed by the governor contained the erroneous $8,000 figure. The reenactment removes any constitutional problem, and the proposed amendment to subdivision 11 is in accordance with the legislative amendment."

Renumber the remaining sections in the memorandum of explanation

Amend the title as follows:

Page 1, line 32, after "5;" insert "176.011, Subdivision 11a;"

Page 2, line 31, delete "Chapter 528" and insert "Chapters 528 and 556"

And when so amended H. F. No. 912 will be identical to S. F.No. 919, and further recommends that H. F. No. 912 be given its second reading and substituted for S. F. No. 919, 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. 1269 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
				1269	627

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 1269 be amended as follows:

Page 2, line 18, delete "*under*" and insert "*pursuant to*"

Page 2, after line 23, insert:

"Sec. 3. Minnesota Statutes 1980, Section 116H.12, Subdivision 3a, is amended to read:

Subd. 3a. Beginning April 20, 1977, no person shall use a decorative gas lamp in Minnesota except as provided in ~~subdivision~~ *subdivisions* 3b *and 3c*.

Sec. 4. Minnesota Statutes 1980, Section 116H.12, is amended by adding a subdivision to read:

Subd. 3c. [STREET LIGHT EXEMPTION.] *Gas lamps installed prior to April 20, 1977, by or at the request of a municipality, on a public street or right of way, may be used as street lighting.*

Sec. 5. Minnesota Statutes 1980, Section 116H.129, Subdivision 4, is amended to read:

Subd. 4. [INSPECTIONS.] The energy agency shall conduct inspections on a random basis for compliance with the provisions of subdivision 3. *The director may authorize a municipality, with its consent, to conduct the inspections within the municipality's jurisdiction. Any municipality which conducts an inspections program in conjunction with existing city inspection programs shall have authority under all subdivisions of section 116H.15 to enforce the provisions of subdivision 3; provided that 50 percent of the penalties to be paid to the state treasury for violation of subdivision 3 shall be paid to the municipality.*"

Page 4, line 3, delete "*4*" and insert "*7*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after "regulations;" insert "providing for certain inspections;"

Page 1, line 5, delete "center"

Page 1, line 6, after "116H.08;" insert "116H.12, Subdivision 3a, and by adding a subdivision; 116H.129, Subdivision 4;"

And when so amended H. F. No. 1269 will be identical to S. F. No. 627, and further recommends that H. F. No. 1269 be given its second reading and substituted for S. F. No. 627, 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. 558, 1264, 744 and 922 were read the second time.

SECOND READING OF HOUSE BILLS

H. F. Nos. 306, 696, 937, 1015, 569, 449, 912 and 1269 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Moe, R.D. moved that the name of Mr. Nichols be stricken as chief author and Mr. Peterson, C.C. be added as chief author to S. F. No. 359. The motion prevailed.

Mr. Peterson, C.C. moved that the name of Mr. Langseth be added as co-author to S. F. No. 771. The motion prevailed.

Mr. Davies moved that his name be stricken as chief author and Mr. Dieterich be added as chief author to S. F. No. 70. The motion prevailed.

Mr. Hanson moved that the name of Ms. Berglin be added as co-author to S. F. No. 625. The motion prevailed.

Mr. Merriam moved that the name of Mr. Dahl be added as co-author to S. F. No. 748. The motion prevailed.

Mr. Merriam moved that the name of Mr. Setzepfandt be added as co-author to S. F. No. 1204. The motion prevailed.

Mr. Johnson moved that S. F. No. 1079 be stricken from General Orders and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Hughes moved that S. F. No. 861 be withdrawn from the Committee on Finance, given a second reading and placed at the bottom of General Orders. The motion prevailed.

S. F. No. 861 was read the second time.

RECESS

Mr. Moe, R. D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

S. F. No. 121: Messrs. Wegener, Pehler and Frederickson.

H. F. No. 339: Messrs. Dicklich, Johnson and Solon.

S. F. No. 209: Messrs. Nelson, Keefe and Peterson, C.C.

Mr. Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

CONFIRMATION

Mr. Johnson moved that the report from the Committee on Taxes and Tax Laws, reported April 15, 1981, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Johnson moved that the foregoing report be now adopted. The motion prevailed.

Mr. Johnson moved that in accordance with the report from the Committee on Taxes and Tax Laws, reported April 15, 1981, the Senate, having given its advice, do now consent to and confirm the appointment of:

TAX COURT

Carl A. Jensen, 209 First Avenue South, Sleepy Eye, Brown County, effective February 2, 1981, for a term expiring the first Monday in January, 1987.

The motion prevailed. So the appointment was confirmed.

CALENDAR

H. F. No. 332: A bill for an act relating to commerce; providing for the regulation of motor vehicle franchises; prohibiting certain practices by motor vehicle manufacturers; removing motor vehicle franchises from the general statutory provisions regarding franchises; requiring motor fuel franchises to extend to and bind the successors of both parties; prescribing penalties; providing remedies; amending Minnesota Statutes 1980, Section 80C.01, Subdivision 4; proposing new law coded in Minnesota Statutes, Chapter 80C; proposing new law coded as Minnesota Statutes, Chapter 80E; repealing Minnesota Statutes 1980, Sections 168.27, Subdivision 21; and 325D.17 to 325D.29.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Davis	Kroening	Pehler	Sieloff
Bang	Dicklich	Kronebusch	Penny	Sikorski
Belanger	Dieterich	Langseth	Peterson, D.L.	Spear
Benson	Engler	Lantry	Peterson, R.W.	Stern
Berg	Frank	Lindgren	Petty	Stokowski
Berglin	Frederick	Luther	Pillsbury	Stumpf
Bernhagen	Frederickson	Menning	Purfeerst	Taylor
Bertram	Hanson	Merriam	Ramstad	Tennessen
Brataas	Hughes	Moe, D.M.	Renneke	Ulland
Chmielewski	Humphrey	Moe, R.D.	Rued	Vega
Dahl	Johnson	Nelson	Schmitz	Waldorf
Davies	Knutson	Olhoft	Setzepfandt	Wegener

So the bill passed and its title was agreed to.

H. F. No. 241: A bill for an act relating to local government; removing a

limit on advertising budgets of certain statutory cities; amending Minnesota Statutes 1980, Section 465.56, Subdivision 1; repealing Minnesota Statutes 1980, Section 465.56, Subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 55 and nays 9, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Langseth	Peterson,C.C.	Sieloff
Bang	Frank	Lantry	Peterson,D.L.	Sikorski
Belanger	Frederick	Lindgren	Peterson,R.W.	Solon
Benson	Frederickson	Luther	Petty	Spear
Berg	Hanson	Merriam	Pillsbury	Stern
Bernhagen	Hughes	Moe, D. M.	Purfeerst	Stokowski
Bertram	Humphrey	Moe, R. D.	Ramstad	Stumpf
Brataas	Johnson	Nelson	Renneke	Taylor
Chmielewski	Knoll	Olhoft	Rued	Ulland
Dahl	Knutson	Pehler	Schmitz	Vega
Davis	Kronebusch	Penny	Setzepfandt	Wegener

Those who voted in the negative were:

Berglin	Dicklich	Kroening	Tennessen	Willet
Davies	Dieterich	Menning	Waldorf	

So the bill passed and its title was agreed to.

S. F. No. 674: A resolution memorializing the President and Congress to seek a settlement of the White Earth Indian Reservation controversy.

Was read the third time and placed on its final passage.

The question was taken on the passage of the resolution.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Peterson,D.L.	Spear
Bang	Dieterich	Langseth	Peterson,R.W.	Stern
Belanger	Engler	Lantry	Petty	Stokowski
Benson	Frank	Lindgren	Pillsbury	Stumpf
Berg	Frederick	Luther	Purfeerst	Taylor
Berglin	Frederickson	Menning	Ramstad	Tennessen
Bernhagen	Hanson	Merriam	Renneke	Ulland
Bertram	Hughes	Moe, R. D.	Rued	Vega
Brataas	Humphrey	Nelson	Schmitz	Waldorf
Chmielewski	Johnson	Olhoft	Setzepfandt	Wegener
Dahl	Knoll	Pehler	Sieloff	Willet
Davies	Knutson	Penny	Sikorski	
Davis	Kroening	Peterson,C.C.	Solon	

So the resolution passed and its title was agreed to.

S. F. No. 411: A bill for an act relating to game and fish; limiting eligibility for antlerless deer permits in certain restricted hunting areas; amending Minnesota Statutes 1980, Section 97.48, Subdivision 24.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Peterson,C.C.	Solon
Bang	Dieterich	Langseth	Peterson,D.L.	Spear
Belanger	Engler	Lantry	Peterson,R.W.	Stern
Benson	Frank	Lindgren	Petty	Stokowski
Berg	Frederick	Luther	Pillsbury	Stumpf
Berglin	Frederickson	Menning	Purfeerst	Taylor
Bernhagen	Hanson	Merriam	Ramstad	Tennessen
Bertram	Hughes	Moe, D. M.	Renneke	Ulland
Brataas	Humphrey	Moe, R. D.	Rued	Vega
Chmielewski	Johnson	Nelson	Schmitz	Waldorf
Dahl	Knoll	Olhoft	Setzepfandt	Willet
Davies	Knutson	Pehler	Sieloff	
Davis	Kroening	Penny	Sikorski	

So the bill passed and its title was agreed to.

S. F. No. 254: A bill for an act relating to natural resources; providing for the designation of endangered plant species; establishing a temporary technical advisory committee; amending Minnesota Statutes 1980, Section 97.488.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 46 and nays 17, as follows:

Those who voted in the affirmative were:

Ashbach	Hanson	Luther	Pillsbury	Tennessen
Bang	Hughes	Merriam	Ramstad	Ulland
Belanger	Humphrey	Moe, D. M.	Schmitz	Vega
Berglin	Johnson	Moe, R. D.	Sieloff	Waldorf
Brataas	Knoll	Nelson	Sikorski	Wegener
Dahl	Knutson	Pehler	Solon	Willet
Davies	Kroening	Penny	Spear	
Dicklich	Langseth	Peterson,C.C.	Stern	
Dieterich	Lantry	Peterson,R.W.	Stokowski	
Frank	Lindgren	Petty	Stumpf	

Those who voted in the negative were:

Benson	Davis	Kronebusch	Purfeerst	Taylor
Berg	Engler	Menning	Renneke	
Bernhagen	Frederick	Olhoft	Rued	
Bertram	Frederickson	Peterson,D.L.	Setzepfandt	

So the bill passed and its title was agreed to.

S. F. No. 278: A bill for an act relating to transportation; extending the life of the joint commuter rail study commission and the deadline for its report; amending Laws 1980, Chapter 607, Article XIII, Section 2, Subdivisions 3 and 5.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 55 and nays 9, as follows:

Those who voted in the affirmative were:

Ashbach	Davis	Knoll	Nelson	Schmitz
Bang	Dicklich	Kroening	Olhoft	Sikorski
Belanger	Dieterich	Kronebusch	Pehler	Solon
Benson	Engler	Langseth	Penny	Spear
Berglin	Frank	Lantry	Peterson,C.C.	Stern
Bernhagen	Frederick	Lindgren	Peterson,R.W.	Stokowski
Bertram	Frederickson	Luther	Petty	Stumpf
Brataas	Hanson	Menning	Purfeerst	Taylor
Chmielewski	Hughes	Merriam	Ramstad	Vega
Dahl	Humphrey	Moe, D. M.	Renneke	Wegener
Davies	Johnson	Moe, R. D.	Rued	Willet

Those who voted in the negative were:

Berg	Peterson,D.L.	Setzepfandt	Tennessen	Waldorf
Knutson	Pillsbury	Sieloff	Ulland	

So the bill passed and its title was agreed to.

S. F. No. 835: A bill for an act relating to transportation; classifying the engineers' estimates for all state transportation construction projects as nonpublic data; adding a new route to the trunk highway system in substitution of an existing route; authorizing the commissioner of transportation to convey or otherwise dispose of certain lands no longer needed for trunk highway purposes; authorizing the temporary transfer of money from certain public funds under certain conditions to certain agency accounts and providing for repayment; increasing the dollar limits for certain contracts and agreements negotiated by the commissioner; defining motor carrier and exempt carrier; granting enforcement powers to hazardous material specialists; transferring the licensing and regulatory provisions for building movers to the transportation regulation board; requiring excess revenue from an airport to be applied to the improvement of the airport or other air navigation facility; increasing the dollar limit for development of landing strips; providing fees for hot air balloons and certain non-resident aircraft; amending Minnesota Statutes 1980, Sections 161.16, Subdivision 4; 161.32, Subdivision 2; 161.36, Subdivision 5; 161.46, Subdivision 3; 221.011, Subdivisions 15 and 22; 221.031, Subdivision 2; 221.221; 221.261; 221.81; 360.037, Subdivision 3; 360.305, Subdivision 4; and 360.55, by adding subdivisions; proposing new law coded in Minnesota Statutes, Chapters 15 and 161.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Peterson,C.C.	Solon
Bang	Dieterich	Langseth	Peterson,D.L.	Spear
Belanger	Engler	Lantry	Peterson,R.W.	Stern
Benson	Frank	Lindgren	Petty	Stokowski
Berg	Frederick	Luther	Pillsbury	Stumpf
Berglin	Frederickson	Menning	Purfeerst	Taylor
Bernhagen	Hanson	Merriam	Ramstad	Tennessen
Bertram	Hughes	Moe, D. M.	Renneke	Ulland
Brataas	Humphrey	Moe, R. D.	Rued	Vega
Chmielewski	Johnson	Nelson	Schmitz	Waldorf
Dahl	Knoll	Olhoft	Setzepfandt	Wegener
Davies	Knutson	Pehler	Sieloff	Willet
Davis	Kroening	Penny	Sikorski	

So the bill passed and its title was agreed to.

S. F. No. 650: A bill for an act relating to education; providing for the inclusion of certain community college and state university faculty members in the definition of an employee under the public employment labor relations act of 1971; amending Minnesota Statutes 1980, Section 179.63, Subdivision 7.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 49 and nays 15, as follows:

Those who voted in the affirmative were:

Ashbach	Frank	Lindgren	Peterson,C.C.	Stokowski
Belanger	Frederickson	Luther	Peterson,R.W.	Stumpf
Berglin	Hanson	Menning	Petty	Taylor
Bertram	Hughes	Merriam	Purfeerst	Tennessen
Chmielewski	Humphrey	Moe, D. M.	Schmitz	Ulland
Dahl	Johnson	Moe, R. D.	Setzepfandt	Vega
Davies	Knoll	Nelson	Sikorski	Waldorf
Davis	Kroening	Olhoft	Solon	Wegener
Dicklich	Langseth	Pehler	Spear	Willet
Dieterich	Lantry	Penny	Stern	

Those who voted in the negative were:

Bang	Bernhagen	Frederick	Peterson,D.L.	Renneke
Benson	Brataas	Knutson	Pillsbury	Rued
Berg	Engler	Kronebusch	Ramstad	Sieloff

So the bill passed and its title was agreed to.

S. F. No. 817: A bill for an act relating to retirement; removing the director from the state board investment advisory council; changing the investment authority of the fund; the Minneapolis employees retirement fund; establishing a new retirement benefit fund therein; transferring assets from the Minnesota post-retirement investment fund; amending Minnesota Statutes 1980, Sections 11A.08, Subdivision 1; 422A.05, Subdivision 2c; and 422A.06, Subdivisions 1, 3, 4, 5, and by adding a subdivision; repealing Minnesota Statutes 1980, Section 422A.05, Subdivision 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 54 and nays 9, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Lantry	Peterson,C.C.	Spear
Bang	Frank	Lessard	Peterson,D.L.	Stern
Belanger	Frederickson	Lindgren	Peterson,R.W.	Stokowski
Berglin	Hanson	Luther	Petty	Stumpf
Bertram	Hughes	Menning	Pillsbury	Taylor
Brataas	Humphrey	Merriam	Ramstad	Ulland
Chmielewski	Johnson	Moe, D. M.	Rued	Vega
Dahl	Knoll	Moe, R. D.	Schmitz	Waldorf
Davies	Kroening	Nelson	Sieloff	Wegener
Davis	Kronebusch	Olhoft	Sikorski	Willet
Dicklich	Langseth	Penny	Solon	

Those who voted in the negative were:

Benson	Bernhagen	Knutson	Renneke	Tennessen
Berg	Engler	Pehler	Setzepfandt	

So the bill passed and its title was agreed to.

S. F. No. 805: A bill for an act relating to state government; authorizing a new account in the Minnesota supplemental investment fund; modifying the post-retirement adjustment; authorizing the state board of investment to invest in commingled funds and limited partnerships; amending Minnesota Statutes 1980, Sections 11A.17; 11A.18, Subdivision 9; 11A.24, Subdivisions 3, 4, 5, and by adding a subdivision; 69.77, Subdivision 2; and 69.775.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 2, as follows:

Those who voted in the affirmative were:

Bang	Dicklich	Langseth	Peterson,C.C.	Sikorski
Belanger	Dieterich	Lantry	Peterson,D.L.	Solon
Benson	Engler	Lessard	Peterson,R.W.	Spear
Berg	Frank	Lindgren	Petty	Stokowski
Berglin	Frederickson	Luther	Pillsbury	Stumpf
Bernhagen	Hanson	Menning	Purfeerst	Taylor
Bertram	Hughes	Moe, D. M.	Ramstad	Tennessen
Brataas	Humphrey	Moe, R. D.	Renneke	Ulland
Chmielewski	Johnson	Nelson	Rued	Vega
Dahl	Knoll	Olhoft	Schmitz	Waldorf
Davies	Kroening	Pehler	Setzepfandt	Wegener
Davis	Kronebusch	Penny	Sieloff	Willet

Messrs. Frederick and Knutson voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 664: A bill for an act relating to water resources; altering certain provisions concerning the regulation of shoreland use and development in municipalities; amending Minnesota Statutes 1980, Section 105.485, Subdivision 6.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 38 and nays 25, as follows:

Those who voted in the affirmative were:

Belanger	Hughes	Luther	Peterson,D.L.	Stumpf
Berglin	Humphrey	Merriam	Peterson,R.W.	Tennessen
Dahl	Johnson	Moe, D. M.	Petty	Vega
Davies	Knoll	Moe, R. D.	Sieloff	Waldorf
Dieterich	Kroening	Nelson	Sikorski	Wegener
Frank	Langseth	Olhoft	Spear	Willet
Frederick	Lantry	Pehler	Stern	
Hanson	Lindgren	Peterson,C.C.	Stokowski	

Those who voted in the negative were:

Ashbach	Bertram	Engler	Menning	Rued
Bang	Brataas	Frederickson	Penny	Schmitz
Benson	Chmielewski	Knutson	Purfeerst	Setzepfandt
Berg	Davis	Kronebusch	Ramstad	Taylor
Bernhagen	Dicklich	Lessard	Renneke	Ulland

So the bill passed and its title was agreed to.

S. F. No. 818: A bill for an act relating to game and fish; increasing the amount set aside from any increased deer license fees for deer habitat improvement; restricting the taking of bear to adult bear; amending Minnesota Statutes 1980, Sections 97.49, Subdivision 1a; and 100.27, Subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Penny	Sikorski
Bang	Dieterich	Langseth	Peterson,C.C.	Spear
Belanger	Engler	Lantry	Peterson,D.L.	Stern
Benson	Frank	Lessard	Peterson,R.W.	Stokowski
Berg	Frederick	Lindgren	Petty	Stumpf
Berglin	Frederickson	Luther	Pillsbury	Taylor
Bernhagen	Hanson	Menning	Purfeerst	Tennessen
Bertram	Hughes	Merriam	Ramstad	Ulland
Brataas	Humphrey	Moe, D. M.	Renneke	Vega
Chmielewski	Johnson	Moe, R. D.	Rued	Waldorf
Dahl	Knoll	Nelson	Schmitz	Willet
Davies	Knutson	Olhoft	Setzepfandt	
Davis	Kroening	Pehler	Sieloff	

So the bill passed and its title was agreed to.

S. F. No. 525: A bill for an act relating to advertising devices; requiring compensation for removing certain devices; providing for maintenance of areas; amending Minnesota Statutes 1980, Section 173.17; proposing new law coded in Minnesota Statutes, Chapter 173.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 44 and nays 19, as follows:

Those who voted in the affirmative were:

Bang	Frederick	Lantry	Pillsbury	Stern
Belanger	Frederickson	Lessard	Purfeerst	Stokowski
Benson	Hanson	Menning	Ramstad	Taylor
Berg	Hughes	Moe, R. D.	Renneke	Ulland
Bernhagen	Humphrey	Nelson	Rued	Vega
Bertram	Knoll	Olhoft	Schmitz	Waldorf
Brataas	Kroening	Penny	Setzepfandt	Wegener
Chmielewski	Kronebusch	Peterson,C.C.	Sieloff	Willet
Engler	Langseth	Peterson,D.L.	Solon	

Those who voted in the negative were:

Berglin	Dicklich	Lindgren	Pehler	Spear
Dahl	Dieterich	Luther	Peterson,R.W.	Stumpf
Davies	Frank	Merriam	Petty	Tennessen
Davis	Johnson	Moe, D. M.	Sikorski	

So the bill passed and its title was agreed to.

S. F. No. 625: A bill for an act relating to landlords and tenants; permitting certain tenant remedies actions and certain actions in unlawful detainer to be done by nonattorneys; extending the time between service of the summons in unlawful detainer proceedings and the return day; providing for a stay of the writ of restitution in unlawful detainer proceedings in cases of hardship;

changing obsolete terms in certain landlord and tenant statutes; amending Minnesota Statutes 1980, Sections 481.02, Subdivision 3; 566.05; 566.06; and 566.09.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 1, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Penny	Solon
Bang	Dieterich	Langseth	Peterson,C.C.	Spear
Belanger	Engler	Lantry	Peterson,D.L.	Stern
Benson	Frank	Lessard	Peterson,R.W.	Stokowski
Berg	Frederick	Lindgren	Petty	Stumpf
Berglin	Frederickson	Luther	Pillsbury	Taylor
Bernhagen	Hanson	Menning	Purfeerst	Tennessen
Bertram	Hughes	Merriam	Ramstad	Ulland
Brataas	Humphrey	Moe, D. M.	Renneke	Vega
Chmielewski	Johnson	Moe, R. D.	Rued	Waldorf
Dahl	Knoll	Nelson	Schmitz	Wegener
Davies	Knutson	Olhoft	Setzepfandt	Willet
Davis	Kroening	Pehler	Sikorski	

Mr. Sieloff voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 915: A bill for an act relating to sheriff fees; prescribing fees to be charged by the sheriff; amending Minnesota Statutes 1980, Section 357.09, Subdivisions 1 and 2, and by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 1, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Langseth	Peterson,D.L.	Spear
Bang	Dieterich	Lantry	Peterson,R.W.	Stern
Belanger	Engler	Lessard	Petty	Stokowski
Benson	Frank	Lindgren	Pillsbury	Stumpf
Berg	Frederickson	Luther	Purfeerst	Taylor
Berglin	Hanson	Menning	Ramstad	Tennessen
Bernhagen	Hughes	Merriam	Renneke	Ulland
Bertram	Humphrey	Moe, D. M.	Rued	Vega
Brataas	Johnson	Moe, R. D.	Schmitz	Waldorf
Chmielewski	Knoll	Nelson	Setzepfandt	Wegener
Dahl	Knutson	Olhoft	Sieloff	Willet
Davies	Kroening	Pehler	Sikorski	
Davis	Kronebusch	Peterson,C.C.	Solon	

Mr. Frederick voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 916: A bill for an act relating to local government; fixing dollar limitations for bidding procedures; amending Minnesota Statutes 1980, Sections 160.17, Subdivision 2; 365.37; 375.21, Subdivision 1; 412.311; and 429.041, Subdivisions 1 and 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 30 and nays 35, as follows:

Those who voted in the affirmative were:

Belanger	Knutson	Moe, R. D.	Petty	Schmitz
Davies	Kronebusch	Nelson	Pillsbury	Solon
Engler	Langseth	Penny	Purfeerst	Stern
Frederickson	Lantry	Peterson,C.C.	Ramstad	Tennessen
Hanson	Lessard	Peterson,D.L.	Renneke	Ulland
Humphrey	Moe, D. M.	Peterson,R.W.	Rued	Waldorf

Those who voted in the negative were:

Ashbach	Brataas	Frederick	Menning	Spear
Bang	Chmielewski	Hughes	Merriam	Stokowski
Benson	Dahl	Johnson	Olhoft	Stumpf
Berg	Davis	Knoll	Pehler	Taylor
Berglin	Dicklich	Kroening	Setzepfandt	Vega
Bernhagen	Dieterich	Lindgren	Sieloff	Wegener
Bertram	Frank	Luther	Sikorski	Willet

So the bill failed to pass.

S. F. No. 708: A bill for an act relating to public employees; excluding the executive secretaries of certain state boards from bargaining units; amending Minnesota Statutes 1980, Section 179.74, Subdivision 4.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Peterson,C.C.	Solon
Bang	Dieterich	Langseth	Peterson,D.L.	Spear
Belanger	Engler	Lantry	Peterson,R.W.	Stern
Benson	Frank	Lessard	Petty	Stokowski
Berg	Frederick	Lindgren	Pillsbury	Stumpf
Berglin	Frederickson	Luther	Purfeerst	Taylor
Bernhagen	Hanson	Menning	Ramstad	Tennessen
Bertram	Hughes	Merriam	Renneke	Ulland
Brataas	Humphrey	Moe, R. D.	Rued	Vega
Chmielewski	Johnson	Nelson	Schmitz	Waldorf
Dahl	Knoll	Olhoft	Setzepfandt	Wegener
Davies	Knutson	Pehler	Sieloff	Willet
Davis	Kroening	Penny	Sikorski	

So the bill passed and its title was agreed to.

S. F. No. 452: A bill for an act relating to the state board of investment; establishing standards for the selection of certain prudent investments; amending Minnesota Statutes 1980, Section 11A.09.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 36 and nays 29, as follows:

Those who voted in the affirmative were:

Berglin	Humphrey	Menning	Peterson,R.W.	Stumpf
Chmielewski	Johnson	Merriam	Petty	Vega
Dahl	Knoll	Moe, D. M.	Purfeerst	Wegener
Davis	Kroening	Moe, R. D.	Setzepfandt	Willet
Dicklich	Langseth	Nelson	Sikorski	
Frank	Lantry	Pehler	Solon	
Hanson	Lessard	Penny	Spear	
Hughes	Luther	Peterson,C.C.	Stokowski	

Those who voted in the negative were:

Ashbach	Bertram	Frederickson	Pillsbury	Stern
Bang	Brataas	Knutson	Ramstad	Taylor
Belanger	Davies	Kronebusch	Renneke	Tennessen
Benson	Dieterich	Lindgren	Rued	Ulland
Berg	Engler	Olhoft	Schmitz	Waldorf
Bernhagen	Frederick	Peterson,D.L.	Sieloff	

So the bill passed and its title was agreed to.

S. F. No. 760: A bill for an act relating to occupational and professional licensing; removing the consecutive term restriction from the board of nursing; removing delinquent and non-practicing statuses; providing for nursing permits; repealing outdated statutes; amending Minnesota Statutes 1980, Sections 148.181, Subdivision 2; 148.231, Subdivisions 1, 4, 5, and 6; 148.271; 148.294 and 148.295; repealing Minnesota Statutes 1980, Section 148.231, Subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Lessard	Peterson,R.W.	Stern
Bang	Engler	Lindgren	Petty	Stokowski
Belanger	Frank	Luther	Pillsbury	Stumpf
Benson	Frederickson	Menning	Purfeerst	Taylor
Berg	Hanson	Merriam	Ramstad	Tennessen
Berglin	Hughes	Moe, D. M.	Renneke	Ulland
Bernhagen	Humphrey	Moe, R. D.	Rued	Vega
Bertram	Johnson	Nelson	Schmitz	Waldorf
Chmielewski	Knoll	Olhoft	Setzepfandt	Wegener
Dahl	Kroening	Pehler	Sieloff	Willet
Davies	Kronebusch	Penny	Sikorski	
Davis	Langseth	Peterson,C.C.	Solon	
Dicklich	Lantry	Peterson,D.L.	Spear	

So the bill passed and its title was agreed to.

S. F. No. 1058: A bill for an act relating to elections; authorizing the validation of absentee ballots by judges of absentee ballot precincts; providing for notice to election judges in an absentee ballot precinct; amending Minnesota Statutes 1980, Sections 207.09, Subdivision 2; 207.11, Subdivisions 1 and 5; and 207.30, Subdivision 3, and by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dahl	Humphrey	Menning	Peterson,R.W.
Bang	Davies	Johnson	Merriam	Petty
Belanger	Davis	Knoll	Moe, D. M.	Pillsbury
Benson	Dicklich	Kroening	Moe, R. D.	Purfeerst
Berg	Engler	Kronebusch	Nelson	Ramstad
Berglin	Frank	Langseth	Olhoft	Renneke
Bernhagen	Frederick	Lantry	Pehler	Rued
Bertram	Frederickson	Lessard	Penny	Schmitz
Brataas	Hanson	Lindgren	Peterson,C.C.	Setzepfandt
Chmielewski	Hughes	Luther	Peterson,D.L.	Sieloff

Sikorski	Stern	Taylor	Vega	Willet
Solon	Stokowski	Tennessen	Waldorf	
Spear	Stumpf	Ulland	Wegener	

So the bill passed and its title was agreed to.

S. F. No. 886: A bill for an act relating to health; prohibiting disciplinary action against a physician who administers dimethyl sulfoxide under certain conditions; regulating the sale of dimethyl sulfoxide; proposing new law coded in Minnesota Statutes, Chapters 147 and 151.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Lantry	Peterson,D.L.	Spear
Bang	Dieterich	Lessard	Peterson,R.W.	Stern
Belanger	Engler	Lindgren	Petty	Stokowski
Benson	Frank	Luther	Pillsbury	Stumpf
Berg	Frederickson	Menning	Purfeerst	Taylor
Berglin	Hanson	Merriam	Ramstad	Ulland
Bernhagen	Hughes	Moe, D. M.	Renneke	Vega
Bertram	Humphrey	Moe, R. D.	Rued	Waldorf
Brataas	Johnson	Nelson	Schmitz	Wegener
Chmielewski	Knoll	Olhoft	Setzepfandt	Willet
Dahl	Kroening	Pehler	Sieloff	
Davies	Kronebusch	Penny	Sikorski	
Davis	Langseth	Peterson,C.C.	Solon	

So the bill passed and its title was agreed to.

RECONSIDERATION

Mr. Moe, D. M. moved that the vote whereby S. F. No. 817 was passed by the Senate on April 20, 1981, be now reconsidered. The motion prevailed.

S. F. No. 817: A bill for an act relating to retirement; removing the director from the state board investment advisory council; changing the investment authority of the fund; the Minneapolis employees retirement fund; establishing a new retirement benefit fund therein; transferring assets from the Minnesota post-retirement investment fund; amending Minnesota Statutes 1980, Sections 11A.08, Subdivision 1; 422A.05, Subdivision 2c; and 422A.06, Subdivisions 1, 3, 4, 5, and by adding a subdivision; repealing Minnesota Statutes 1980, Section 422A.05, Subdivision 3.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 48 and nays 14, as follows:

Those who voted in the affirmative were:

Bang	Hanson	Menning	Pillsbury	Stumpf
Belanger	Hughes	Merriam	Purfeerst	Taylor
Berglin	Humphrey	Moe, R. D.	Ramstad	Tennessen
Brataas	Johnson	Nelson	Schmitz	Ulland
Davies	Knoll	Olhoft	Sieloff	Vega
Davis	Kroening	Penny	Sikorski	Waldorf
Dicklich	Langseth	Peterson,C.C.	Solon	Wegener
Dieterich	Lantry	Peterson,D.L.	Spear	Willet
Frank	Lindgren	Peterson,R.W.	Stern	
Frederickson	Luther	Petty	Stokowski	

Those who voted in the negative were:

Benson	Bertram	Engler	Moe, D. M.	Rued
Berg	Chmielewski	Kronebusch	Pehler	Setzepfandt
Bernhagen	Dahl	Lessard	Renneke	

So the bill passed and its title was agreed to.

RECONSIDERATION

Mr. Tennessen moved that the vote whereby H. F. No. 332 was passed by the Senate on April 20, 1981, be now reconsidered. The motion prevailed.

With the unanimous consent of the Senate, Mr. Tennessen moved that the amendment made to H. F. No. 332 by the Committee on Rules and Administration in the report adopted April 16, 1981, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H. F. No. 332: A bill for an act relating to commerce; providing for the regulation of motor vehicle franchises; prohibiting certain practices by motor vehicle manufacturers; removing motor vehicle franchises from the general statutory provisions regarding franchises; requiring motor fuel franchises to extend to and bind the successors of both parties; prescribing penalties; providing remedies; amending Minnesota Statutes 1980, Section 80C.01, Subdivision 4; proposing new law coded in Minnesota Statutes, Chapter 80C; proposing new law coded as Minnesota Statutes, Chapter 80E; repealing Minnesota Statutes 1980, Sections 168.27, Subdivision 21; and 325D.17 to 325D.29.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Lessard	Peterson,R.W.	Stern
Bang	Dieterich	Lindgren	Petty	Stokowski
Belanger	Engler	Luther	Pillsbury	Stumpf
Benson	Frank	Menning	Purfeerst	Taylor
Berg	Frederickson	Merriam	Ramstad	Tennessen
Berglin	Hanson	Moe, D. M.	Renneke	Ulland
Bernhagen	Hughes	Moe, R. D.	Rued	Vega
Bertram	Humphrey	Nelson	Schmitz	Waldorf
Brataas	Johnson	Olhoft	Setzepfandt	Wegener
Chmielewski	Kroening	Pehler	Sieloff	Willet
Dahl	Kronebusch	Penny	Sikorski	
Davies	Langseth	Peterson,C.C.	Solon	
Davis	Lantry	Peterson,D.L.	Spear	

So the bill passed and its title was agreed to.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS

SPECIAL ORDER

Pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on Bill Scheduling, designated S. F. No. 359 a Special Order to be heard immediately.

S. F. No. 359: A bill for an act relating to workers' compensation; expressing the intent of the legislature with respect to chapter 176; transferring com-

pensation judges from the workers' compensation division to a separate division within the office of administrative hearings; making the workers' compensation court of appeals a separate and independent agency with appellate review powers; providing for a discount assumption with respect to calculating reserves for claims of insurance companies; authorizing the commissioner of insurance to initiate a rate hearing; permitting benefit payment amounts to be rounded to whole dollars; clarifying certain provisions with respect to the Minnesota workers' compensation reinsurance association; redefining the maximum reinsurance liability limitation as a prefunded limit; providing for a survey of closed compensation claims and an examination of insurer reserving practices; removing the exemption of political subdivisions from the definitions of insurer and insurance in chapter 79; providing for the design and implementation of an improved records and information system in the department of labor and industry; providing for the addition of rehabilitation and computer support personnel in the department of labor and industry; permitting the commissioner of labor and industry to negotiate with his counterparts in other states in jurisdictional disputes; establishing a preponderance of the evidence standard in factual determinations under chapter 176; granting subrogation rights to the special compensation fund in third party actions; providing for lump sum permanent partial disability payments on return to work and weekly payments if an employee could but does not return to work; limiting attorneys' fees to only disputed portions of claims; providing a procedure for settlement offers by any litigant in a disputed claim proceeding; requiring claimants' attorneys to provide their clients with written information regarding fees under chapter 176; providing a penalty for attorneys who violate the fee provisions of chapter 176; providing a ten year limitation on death benefits to dependents; providing rehabilitation opportunities for dependent surviving spouses; requiring the commissioner of labor and industry to adopt disability degree schedules; prohibiting combined workers' compensation and government survivor benefits from exceeding the limit provided in chapter 176; providing a new formula for determining assessments against employers and insurers for the special compensation fund; providing for payment of attorneys' fees in disputes over supplementary benefits; requiring the commissioner of labor and industry to utilize a medical fee schedule; requiring the commissioner to review the quality of care and other aspects of medical delivery under workers' compensation; establishing a medical panel to resolve disputes over medical disability; providing for payment of wage replacement or disability payments by a group insurer under appropriate provisions pending resolution of liability dispute over compensability; providing for early payment of benefits and a penalty for delay; requiring benefit payments to be made by immediately negotiable instrument; providing that notices of discontinuance of benefit payments be sent directly to claimant by insurer; providing that division legal assistance employees be transferred to the attorney general; delaying first benefit adjustment under chapter 176 for 52 weeks from date of injury; mandating an insurance rate reduction by an amount reflecting cost savings due to benefit and administrative changes; providing penalties; appropriating money; amending Minnesota Statutes 1980, Sections 10A.01, Subdivision 18; 15.052, Subdivisions 1, 2, 3, 4, and 5; 15A.083, by adding a subdivision; 43.064; 60A.15, Subdivision 1; 60C.04; 60C.09, Subdivision 2; 79.01, Subdivisions 2 and 3; 79.071, Subdivision 1, and by adding subdivisions; 79.34, Subdivisions 1 and 2; 79.35; 79.36; 175.007; 175.101, by adding a subdivision; 175.11, Subdivision 1; 175.14; 175.17; 176.021, Subdivisions 1 and 3, and by adding subdivisions; 176.041, by adding a subdivision; 176.061, Subdivisions 1, 3, 4, 5, 6 and 7; 176.081, Subdivisions 1, 2, 3, 4, and 6, and by adding subdivisions; 176.101, Subdivision 3; 176.102, by

adding a subdivision; 176.105, Subdivision 1; 176.111, Subdivisions 6, 7, 8, 10 and 21, and by adding a subdivision; 176.131, Subdivision 10; 176.132, Subdivision 2; 176.133; 176.136; 176.161, Subdivision 1; 176.181, Subdivisions 2 and 3, and by adding a subdivision; 176.191; 176.221; 176.225, by adding a subdivision; 176.231, Subdivisions 2 and 7; 176.241, Subdivisions 1, 2 and 3; 176.261; 176.291; 176.301, Subdivision 1; 176.305; 176.311; 176.331; 176.341, Subdivision 1; 176.351; 176.371; 176.381; 176.391; 176.401; 176.411, Subdivisions 1 and 2; 176.421, Subdivisions 1, 4, 5, 6 and 7; 176.431, Subdivision 1; 176.441, Subdivision 1; 176.461; 176.471, Subdivisions 3, 5, 6 and 8; 176.491; 176.511, Subdivision 1; 176.521, Subdivisions 1 and 2; 176.531, Subdivision 3; 176.645; and 179.74, Subdivision 4; proposing new law coded as Minnesota Statutes, Chapter 175A; and proposing new law coded in Minnesota Statutes, Chapter 176; repealing Minnesota Statutes 1980, Sections 175.006, Subdivisions 1a and 2; 175.0061; 175.09; 176.111, Subdivision 11; and 176.441, Subdivision 2; reenacting Laws 1980, Chapter 556, Section 12.

Mr. Peterson, C. C. moved to amend S. F. 359 as follows:

Page 8, after line 32, insert:

"Sec. 12. Minnesota Statutes 1980, Section 79.071, Subdivision 1, is amended to read:

Subdivision 1. The commissioner shall adopt a schedule of workers' compensation insurance rates for use in this state for each classification under which business is written *until January 1, 1986*. The schedule of rates shall not be excessive, inadequate, or unfairly discriminatory. In adopting a schedule of rates, the commissioner may act on the written petition of the association or any other interested party requesting that a hearing be held for modification of the schedule of rates. The commissioner may include the expense of a reasonable charge for the services of an agent of record, for the service of rejected risks as set forth in sections 79.24 to 79.27."

Page 17, delete section 18

Page 32, delete section 36

Renumber the sections in sequence

Amend the title as follows:

Page 2, line 34, delete "175.101, by adding a subdivision;"

Page 2, line 58, delete "Chapter" and insert "Chapters 79 and"

The motion prevailed. So the amendment was adopted.

Mr. Ashbach imposed a Call of the Senate and requested that a record be made of those present. The following Senators answered to their names:

Ashbach	Dieterich	Langseth	Penny	Solon
Bang	Engler	Lantry	Peterson,C.C.	Stern
Belanger	Frank	Lessard	Peterson,D.L.	Stokowski
Benson	Frederick	Lindgren	Peterson,R.W.	Stumpf
Berg	Frederickson	Luther	Petty	Taylor
Berglin	Hanson	Menning	Purfeerst	Tennessen
Bernhagen	Hughes	Merriam	Ramstad	Ulland
Bertram	Humphrey	Moe, D. M.	Renneke	Vega
Brataas	Johnson	Moe, R. D.	Schmitz	Waldorf
Chmielewski	Knoll	Nelson	Setzepfandt	Wegener
Davies	Kroening	Olhoft	Sieloff	Willet
Davis	Kronebusch	Pehler	Sikorski	

The Sergeant at Arms was instructed to bring in the absent members.

Mr. Peterson, C. C. moved to amend S. F. No. 359 as follows:

Page 57, line 11, delete everything after "*who*" and insert "*is in need of rehabilitation assistance to become self-supporting. A spouse who is provided rehabilitation services under this subdivision is not entitled to compensation under section 176.102.*"

Page 57, delete lines 12 to 32

Page 75, line 25, delete "*make*" and insert "*pay*" and after "*disability*" insert "*or wage replacement benefits due under the insurance*"

Page 75, delete line 26

Page 75, line 27, delete everything before the period

Page 81, strike line 32

Page 81, line 33, strike "dependent,"

Page 82, line 1, after "*may*" insert "*, when requested by an employer or an employee or a dependent,*"

Page 99, lines 17 and 19, delete "*hearing examiners*" and insert "*administrative hearings*"

Page 99, line 32, delete "*8*" and insert "*13*"

Page 100, line 26, delete "*coordinating*" and insert "*advisory*"

Page 100, line 27, delete "*sections 14 and 15*" and insert "*this subdivision*" and before "*The*" insert "*The legislative advisory commission shall implement measures to improve the record-keeping and information systems procedures of the department of labor and industry. Expenditures for any computer facilities shall not be subject to the requirements of sections 16.90 to 16.965, with the exception of section 16.95 which shall apply. The installation of any computer facilities and their operation shall be completed by October 1, 1981. Outside consultants may be retained by the legislative advisory commission to assist in the implementation of this section.*"

Correct internal references

The motion prevailed. So the amendment was adopted.

Mr. Peterson, C. C. then moved to amend S. F. No. 359 as follows:

Page 66, line 15, strike "labor and industry" and insert "*insurance*" and reinstate the stricken language

Page 66, line 16, reinstate the stricken language and after "whether" insert "*or not*"

Page 66, lines 17 to 20, reinstate the stricken language

Page 66, line 21, reinstate the stricken "groups" and delete the new language

Page 66, line 22, delete everything before the period and before "If" insert "*The procedures established by the commissioner of insurance shall limit the charges allowable for medical, chiropractic, podiatric, surgical and hospital treatment or services, as defined and compensable under section 176.135, to the 85th percentile of usual and customary fees or charges based upon billings for each class of health care provider during all of the calendar year preceding the year in which the determination is made of the amount to be paid the health care provider for the billing.*"

Page 67, after line 1, insert:

"*The commissioner of insurance shall adopt temporary rules in order to implement the provisions of this subdivision. Notwithstanding the provisions of section 15.0412, subdivision 4, and any amendments, the temporary rules adopted by the commissioner of insurance pursuant to this subdivision may be extended for an additional 180 days if the procedures for adoption of a rule pursuant to section 15.0412, subdivisions 4 to 4g, or 4h, and other provisions of the administrative procedure act related to final agency action and rule adoption have not been concluded.*"

Mr. Vega moved to amend the foregoing Peterson, C. C. amendment to S. F. No. 359, adopted by the Senate April 20, 1981, as follows:

Page 1, line 14, delete "*85th*" and insert "*75th*"

The question was taken on the adoption of the Vega amendment to the foregoing Peterson, C. C. amendment.

The roll was called, and there were yeas 22 and nays 42, as follows:

Those who voted in the affirmative were:

Dahl	Johnson	Nelson	Solon	Wegener
Dicklich	Menning	Penny	Spear	Willet
Frank	Merriam	Petty	Stokowski	
Hanson	Moe, D. M.	Purfeerst	Stumpf	
Humphrey	Moe, R. D.	Sikorski	Vega	

Those who voted in the negative were:

Ashbach	Chmielewski	Kroening	Peterson,C.C.	Sieloff
Bang	Davies	Kronebusch	Peterson,D.L.	Stern
Belanger	Davis	Langseth	Peterson,R.W.	Taylor
Benson	Engler	Lantry	Pillsbury	Tennessen
Berg	Frederick	Lessard	Ramstad	Ulland
Berglin	Frederickson	Lindgren	Renneke	Waldorf
Bernhagen	Hughes	Luther	Rued	
Bertram	Knoll	Olhoft	Schmitz	
Brataas	Knutson	Pehler	Setzepfandt	

The motion did not prevail. So the amendment to the Peterson, C. C. amendment was not adopted.

The question recurred on the Peterson, C. C. amendment.

The roll was called, and there were yeas 40 and nays 24, as follows:

Those who voted in the affirmative were:

Ashbach	Davies	Lantry	Penny	Renneke
Bang	Engler	Lessard	Peterson,C.C.	Rued
Belanger	Frederick	Lindgren	Peterson,D.L.	Schmitz
Benson	Frederickson	Luther	Peterson,R.W.	Setzepfandt
Berg	Hughes	Menning	Petty	Solon
Bernhagen	Knoll	Moe, R. D.	Pillsbury	Stern
Bertram	Knutson	Nelson	Purfeerst	Taylor
Brataas	Kronebusch	Olhoft	Ramstad	Ulland

Those who voted in the negative were:

Berglin	Dieterich	Kroening	Sikorski	Vega
Chmielewski	Frank	Langseth	Spear	Waldorf
Dahl	Hanson	Merriam	Stokowski	Wegener
Davis	Humphrey	Moe, D. M.	Stumpf	Willet
Dicklich	Johnson	Pehler	Tennessen	

The motion prevailed. So the amendment was adopted.

Mr. Peterson, C. C. moved to amend S. F. No. 359 as follows:

Page 99, line 36, delete "*20*" and insert "*20.9*"

The motion prevailed. So the amendment was adopted.

Mr. Berg moved to amend S. F. No. 359 as follows:

Page 100, delete section 141

Renumber the sections in sequence

Correct internal references

Mr. Johnson requested division of the amendment as follows:

First portion:

Page 100, section 141, delete "*The salary of the commissoner of insurance is increased to $40,500.*"

Second portion:

Page 100, section 141, delete "*The salary of the chief hearing examiner is increased to $44,000.*"

The question was taken on the adoption of the first portion of the Berg amendment.

The roll was called, and there were yeas 45 and nays 19, as follows:

Those who voted in the affirmative were:

Ashbach	Chmielewski	Knoll	Olhoft	Sikorski
Bang	Davis	Knutson	Pehler	Solon
Belanger	Dicklich	Kroening	Peterson,D.L.	Stokowski
Benson	Dieterich	Kronebusch	Ramstad	Stumpf
Berg	Engler	Langseth	Renneke	Taylor
Berglin	Frank	Lantry	Rued	Ulland
Bernhagen	Frederick	Lindgren	Schmitz	Vega
Bertram	Frederickson	Menning	Setzepfandt	Waldorf
Brataas	Johnson	Moe, D. M.	Sieloff	Willet

Those who voted in the negative were:

Dahl	Humphrey	Moe, R. D.	Peterson,R.W.	Stern
Davies	Lessard	Nelson	Petty	Tennessen
Hanson	Luther	Penny	Pillsbury	Wegener
Hughes	Merriam	Peterson,C.C.	Spear	

The motion prevailed. So the first portion of the amendment was adopted.

The question was taken on the adoption of the second portion of the Berg amendment.

The roll was called, and there were yeas 29 and nays 36, as follows:

Those who voted in the affirmative were:

Ashbach	Bertram	Frederick	Olhoft	Rued
Bang	Brataas	Frederickson	Pehler	Setzepfandt
Belanger	Davis	Knutson	Peterson,D.L.	Sieloff
Benson	Dicklich	Kronebusch	Purfeerst	Taylor
Berg	Engler	Lindgren	Ramstad	Ulland
Bernhagen	Frank	Menning	Renneke	

Those who voted in the negative were:

Berglin	Johnson	Moe, D. M.	Schmitz	Vega
Chmielewski	Knoll	Moe, R. D.	Sikorski	Waldorf
Dahl	Kroening	Nelson	Solon	Wegener
Davies	Langseth	Penny	Spear	Willet
Dieterich	Lantry	Peterson,C.C.	Stern	
Hanson	Lessard	Peterson,R.W.	Stokowski	
Hughes	Luther	Petty	Stumpf	
Humphrey	Merriam	Pillsbury	Tennessen	

The motion did not prevail. So the second portion of the amendment was not adopted.

Mr. Taylor moved to amend S. F. No. 359, as follows:

Page 57, after line 2, insert:

"Sec. 73. Minnesota Statutes 1980, Section 176.101, is amended by adding a subdivision to read:

Subd. 8. [VIOLATION OF SAFETY PROVISIONS; PENALTY.] *Where injury is caused by the failure of the employer to comply with any statute or any lawful order of the department, compensation and death benefits as provided in this chapter shall be increased ten percent but not more than a total increase of $7,500. Failure of an employer reasonably to enforce compliance by employees with such statute or order of the department shall constitute failure by the employer to comply with such statute or order.*

Sec. 74. Minnesota Statutes 1980, Section 176.101, is amended by adding a subdivision to read:

Subd. 9. [DECREASED COMPENSATION.] *Where injury is caused by the failure of the employee to use safety devices where provided in accordance with any statute or lawful order of the department and adequately maintained, and their use is reasonably enforced by the employer, or where injury results from the employee's failure to obey any reasonable rule adopted and reasonably enforced by the employer for the safety of the employee and of which the employee has notice, or where injury results from the intoxication of the employee, the compensation and death benefit provided herein shall be reduced ten percent but the total reduction shall not exceed $7,500.*"

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 35, after the semicolon, insert "encouraging compliance with safety provisions;"

Page 2, line 40, after "3" insert ", and by adding subdivisions"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 40, as follows:

Those who voted in the affirmative were:

Ashbach	Bernhagen	Frederickson	Pillsbury	Taylor
Bang	Bertram	Knutson	Ramstad	Ulland
Belanger	Brataas	Kronebusch	Renneke	
Benson	Engler	Lindgren	Rued	
Berg	Frederick	Peterson,D.L.	Sieloff	

Those who voted in the negative were:

Berglin	Hanson	Lessard	Pehler	Stern
Chmielewski	Hughes	Luther	Penny	Stokowski
Dahl	Humphrey	Menning	Peterson,C.C.	Stumpf
Davies	Johnson	Merriam	Peterson,R.W.	Tennessen
Davis	Knoll	Moe, D. M.	Petty	Vega
Dicklich	Kroening	Moe, R. D.	Purfeerst	Waldorf
Dieterich	Langseth	Nelson	Sikorski	Wegener
Frank	Lantry	Olhoft	Spear	Willet

The motion did not prevail.So the amendment was not adopted.

Mr. Ashbach imposed a Call of the Senate for the balance of the proceedings on S. F. No. 359 and requested that a record be made of those present. The following Senators answered to their names:

Ashbach	Dicklich	Kronebusch	Penny	Solon
Bang	Dieterich	Langseth	Peterson,C.C.	Spear
Belanger	Engler	Lantry	Peterson,D.L.	Stern
Benson	Frank	Lessard	Peterson,R.W.	Stokowski
Berg	Frederick	Lindgren	Petty	Taylor
Berglin	Frederickson	Luther	Pillsbury	Tennessen
Bernhagen	Hanson	Menning	Purfeerst	Ulland
Bertram	Hughes	Merriam	Ramstad	Vega
Brataas	Humphrey	Moe, D. M.	Renneke	Waldorf
Chmielewski	Johnson	Moe, R. D.	Rued	Wegener
Dahl	Knoll	Nelson	Schmitz	Willet
Davies	Knutson	Olhoft	Sieloff	
Davis	Kroening	Pehler	Sikorski	

The Sergeant at Arms was instructed to bring in the absent members.

Mr. Taylor moved to amend S. F. No. 359 as follows:

Page 51, after line 4, insert:

"Sec. 72. Minnesota Statutes 1980, Section 176.101, Subdivision 1, is amended to read:

Subdivision 1. [TEMPORARY TOTAL DISABILITY.] For injury producing temporary total disability, 66 2/3 percent of the daily wage at the time of injury

~~(1)~~ , provided that during the year commencing on October 1, 1979, and each year thereafter, commencing on October 1, the maximum weekly benefits payable shall be the statewide average weekly wage for the period ending December 31, of the preceding year.

~~(2) The minimum weekly compensation benefits for temporary total disability shall be not less than 50 percent of the statewide average weekly wage or the injured employee's actual weekly wage, whichever is less. In no case shall a weekly benefit be less than 20 percent of the statewide average weekly wage.~~

This compensation shall be paid during the period of disability, payment to be made at the intervals when the wage was payable, as nearly as may be."

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 32, after the semicolon, insert "limiting temporary total benefits to 66 2/3 percent of the daily wage at the time of injury;"

Page 2, line 40, delete "Subdivision 3" and insert "Subdivisions 1 and 3"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 20 and nays 43, as follows:

Those who voted in the affirmative were:

Ashbach	Berg	Frederick	Lindgren	Rued
Bang	Bernhagen	Frederickson	Peterson,D.L.	Sieloff
Belanger	Brataas	Knutson	Ramstad	Taylor
Benson	Engler	Kronebusch	Renneke	Ulland

Those who voted in the negative were:

Berglin	Hanson	Menning	Peterson,R.W.	Stokowski
Bertram	Hughes	Merriam	Petty	Stumpf
Chmielewski	Humphrey	Moe, D. M.	Purfeerst	Tennessen
Dahl	Knoll	Moe, R. D.	Schmitz	Vega
Davies	Kroening	Nelson	Setzepfandt	Waldorf
Davis	Langseth	Olhoft	Sikorski	Wegener
Dicklich	Lantry	Pehler	Solon	Willet
Dieterich	Lessard	Penny	Spear	
Frank	Luther	Peterson,C.C.	Stern	

The motion did not prevail. So the amendment was not adopted.

Mr. Frederick moved to amend S. F. No. 359 as follows:

Page 17, line 7, after "1." insert "*Until January 1, 1986,*"

Page 17, lines 9 and 10, delete the new language

The motion prevailed. So the amendment was adopted.

Mr. Frederick then moved to amend S. F. No. 359 as follows:

Page 61, after line 16, insert:

"Sec. 81. Minnesota Statutes 1980, Section 176.131, Subdivision 1, is amended to read:

Subdivision 1. If an employee incurs personal injury and suffers disability that is substantially greater, because of a pre-existing physical impairment, than what would have resulted from the personal injury alone, the employer shall pay all compensation provided by this chapter, but he shall be reimbursed from the special compensation fund for all compensation paid in excess of 52 weeks of monetary benefits and $2,000 in medical expenses, subject to the following exceptions:

If the personal injury alone results in permanent partial disability to a scheduled member under section 176.101, the monetary and medical expense limitations shall not apply and the employer shall be liable for such compensation, medical expense, and retraining attributable to the permanent partial disability, and he may be reimbursed from the compensation fund only for compensation paid in excess of such disability.

Notwithstanding any other provisions of this chapter to the contrary, an employee who suffers an injury that results in a permanent disability as determined under section 176.101 shall be compensated only for that portion of the disability which arises out of personal injury sustained or contracted in the course of employment with the employer against whom the claim is made."

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 45, after the semicolon, insert "providing for the apportionment of liability among work and non-work related disabilities"

Page 2, line 43, delete "Subdivision 10" and insert "Subdivisions 1 and 10"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 20 and nays 44, as follows:

Those who voted in the affirmative were:

Ashbach	Berg	Frederick	Lindgren	Rued
Bang	Bernhagen	Frederickson	Peterson,D.L.	Sieloff
Belanger	Brataas	Knutson	Ramstad	Taylor
Benson	Engler	Kronebusch	Renneke	Ulland

Those who voted in the negative were:

Berglin	Hanson	Luther	Peterson,C.C.	Stern
Bertram	Hughes	Menning	Peterson,R.W.	Stokowski
Chmielewski	Humphrey	Merriam	Petty	Stumpf
Dahl	Johnson	Moe, D. M.	Purfeerst	Tennessen
Davies	Knoll	Moe, R. D.	Schmitz	Vega
Davis	Kroening	Nelson	Setzepfandt	Waldorf
Dicklich	Langseth	Olhoft	Sikorski	Wegener
Dieterich	Lantry	Pehler	Solon	Willet
Frank	Lessard	Penny	Spear	

The motion did not prevail. So the amendment was not adopted.

Mr. Peterson, C. C. moved to amend S. F. No. 359 as follows:

Page 100, line 4, delete "*an*"

Page 100, line 5, delete "*intervening statutory change*" and insert "*a legislative enactment other than this act or a rate order which became effective on or before the effective date of this section*"

The motion prevailed. So the amendment was adopted.

Mr. Berg moved to amend S.F. No. 359 as follows:

Pages 81 and 82, delete section 100

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 2, line 48, delete "176.261;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 21 and nays 40, as follows:

Those who voted in the affirmative were:

Ashbach	Bernhagen	Knutson	Ramstad	Ulland
Bang	Brataas	Kronebusch	Renneke	
Belanger	Engler	Lindgren	Rued	
Benson	Frederick	Olhoft	Sieloff	
Berg	Frederickson	Peterson,D.L.	Taylor	

Those who voted in the negative were:

Berglin	Frank	Lantry	Penny	Spear
Bertram	Hanson	Lessard	Peterson,C.C.	Stern
Chmielewski	Hughes	Luther	Peterson,R.W.	Stokowski
Dahl	Humphrey	Menning	Petty	Stumpf
Davies	Johnson	Merriam	Purfeerst	Tennessen
Davis	Knoll	Moe, R. D.	Schmitz	Vega
Dicklich	Kroening	Nelson	Setzepfandt	Waldorf
Dieterich	Langseth	Pehler	Sikorski	Willet

The motion did not prevail. So the amendment was not adopted.

RECONSIDERATION

Having voted on the prevailing side, Mr. Moe, R.D. moved that the vote whereby the third Peterson, C. C. amendment to S. F. No. 359 was adopted on April 20, 1981, be now reconsidered.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 32 and nays 28, as follows:

Those who voted in the affirmative were:

Berglin	Hanson	Luther	Petty	Vega
Chmielewski	Hughes	Moe, D. M.	Sikorski	Waldorf
Dahl	Humphrey	Moe, R. D.	Solon	Wegener
Davis	Johnson	Nelson	Spear	Willet
Dicklich	Kroening	Pehler	Stern	
Dieterich	Langseth	Penny	Stokowski	
Frank	Lantry	Peterson,R.W.	Stumpf	

Those who voted in the negative were:

Ashbach	Bertram	Knutson	Peterson,C.C.	Setzepfandt
Bang	Brataas	Kronebusch	Peterson,D.L.	Sieloff
Belanger	Davies	Lessard	Ramstad	Taylor
Benson	Engler	Lindgren	Renneke	Ulland
Berg	Frederick	Merriam	Rued	
Bernhagen	Frederickson	Olhoft	Schmitz	

The motion prevailed. So the vote on the third Peterson, C. C. amendment was reconsidered. Mr. Peterson withdrew his amendment.

Mr. Moe, R.D. moved to amend S.F. No. 359 as follows:

Page 66, line 22, after "*12*" insert "*, except that the maximum fees allowable for medical, podiatric, surgical and hospital treatment or services as defined and compensable under section 176.135, shall be limited to the 75th percentile of usual and customary fees based upon billings during calendar year 1978; and, except that the maximum fees allowable for chiropractic treatment or services shall include the treatments or services defined in section 148.01 and compensable under chapter 176 and shall be limited to the 75th percentile of usual and customary fees based upon billings during calendar year 1978*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 35 and nays 28, as follows:

Those who voted in the affirmative were:

Berglin	Hanson	Menning	Peterson,R.W.	Stokowski
Chmielewski	Humphrey	Merriam	Petty	Stumpf
Dahl	Johnson	Moe, D. M.	Sieloff	Tennessen
Davis	Kroening	Moe, R. D.	Sikorski	Vega
Dicklich	Langseth	Nelson	Solon	Waldorf
Dieterich	Lantry	Pehler	Spear	Wegener
Frank	Luther	Penny	Stern	Willet

Those who voted in the negative were:

Ashbach	Bertram	Hughes	Olhoft	Schmitz
Bang	Brataas	Knoll	Peterson,C.C.	Setzepfandt
Belanger	Davies	Knutson	Peterson,D.L.	Taylor
Benson	Engler	Kronebusch	Purfeerst	Ulland
Berg	Frederick	Lessard	Ramstad	
Bernhagen	Frederickson	Lindgren	Rued	

The motion prevailed. So the amendment was adopted.

Mr. Ulland moved to amend S.F. No. 359 as follows:

Page 40, line 18, reinstate the stricken language

Page 40, line 19, reinstate the stricken language and delete the new language

Page 40, lines 21 to 25, reinstate the stricken language

Page 40, line 26, reinstate the stricken "following schedule: 25 percent of the amount due after" and after "due" insert "*immediately*"

Page 40, line 27, after the stricken word "injury" insert " *a return to work*"

Page 40, line 27, reinstate the stricken ", 25 percent after"

Page 40, line 27, after the second stricken word "weeks" insert " *90 days from the date of a return to work*"

Page 40, line 27, reinstate the second stricken ", 25"

Page 40, line 28, reinstate the stricken "percent after"

Page 40, line 28, after the first stricken word "weeks" insert " *180 days*"

Page 40, line 28, reinstate the stricken "and 25 percent after"

Page 40, line 28, after the stricken words "16 weeks" insert " *270 days*"

Page 40, line 28, reinstate the stricken ", provided"

Page 40, lines 29 to 31 reinstate the stricken language

Page 41, line 14, strike "no"

Pages 41 and 42, delete section 55

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 33, delete "lump sum" and insert "installment payments of"

Page 1, line 34, delete "payments"

Page 1, lines 34 and 35, delete "and weekly payments if the employee could but does not return to work"

Page 2, line 36, delete "subdivisions" and insert "a subdivision"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 19 and nays 43, as follows:

Those who voted in the affirmative were:

Ashbach	Berg	Frederick	Lindgren	Sieloff
Bang	Bernhagen	Frederickson	Peterson,D.L.	Taylor
Belanger	Brataas	Knutson	Ramstad	Ulland
Benson	Engler	Kronebusch	Rued	

Those who voted in the negative were:

Berglin	Hanson	Luther	Peterson,R.W.	Stokowski
Bertram	Hughes	Menning	Petty	Stumpf
Chmielewski	Humphrey	Merriam	Purfeerst	Tennessen
Dahl	Johnson	Moe, R. D.	Schmitz	Vega
Davies	Knoll	Nelson	Setzepfandt	Waldorf
Davis	Kroening	Olhoft	Sikorski	Wegener
Dicklich	Langseth	Pehler	Solon	Willet
Dieterich	Lantry	Penny	Spear	
Frank	Lessard	Peterson,C.C.	Stern	

The motion did not prevail. So the amendment was not adopted.

Mr. Knutson moved to amend S.F. No. 359 as follows:

Page 67, after line 14, insert:

"Sec. 86. Minnesota Statutes 1980, Section 176.151, is amended to read:

176.151 [TIME LIMITATIONS.]

The time within which the following acts shall be performed shall be limited to the following periods, respectively:

(1) Actions or proceedings by an injured employee to determine or recover compensation, three years after the employer has made written report of the injury to the commissioner of the department of labor and industry, but not to exceed six years from the date of the accident.

(2) Actions or proceedings by dependents to determine or recover compensation, three years after the receipt by the commissioner of the department of labor and industry of written notice of death, given by the employer, but not to exceed six years from the date of injury, provided, however, if the employee was paid compensation for the injury from which the death resulted, such actions or proceedings by dependents must be commenced within three years after the receipt by the commissioner of the department of labor and industry of written notice of death, given by the employer, but not to exceed six years from the date of death. In any such case, if a dependent of the deceased, or any one in his behalf, gives written notice of such death to the commissioner of the department of labor and industry, the commissioner shall forthwith give written notice to the employer of the time and place of such death. In case the deceased was a native of a foreign country and leaves no known dependent within the United States, the commissioner of the department of labor and industry shall give written notice of the death to the consul or other representative of the foreign country forthwith.

(3) Once compensation has been paid to the employee, he must bring any action for further compensation within eight years from the date compensation was last paid except in the case of lump sum payments made pursuant to section 176.021, subdivision 3, in which case any action must be commenced within eight years from what would have been the date of expiration of weekly benefits under section 176.101 had not lump sum payments been made.

(4) Clause (3) shall not apply where any existing order or award provides for further payments of compensation for recurrences of the disability from the injury to the employee; or in an injury of a nature where in the opinion of the compensation judge or workers' compensation court of appeals upon appeal there is a possibility of a future disability and the compensation judge or workers' compensation court of appeals upon appeal so finds.

(5) Clause (3) shall not apply where the employee's injury for which he has received compensation is such that as part of his medical care he is entitled to the future replacement or repair of crutches, apparatus, artificial members, glasses, spectacles, artificial eyes, dental bridge work, dentures or artificial teeth, hearing aids, canes, wheel chairs, or other prosthetic devices and his claim relates to items in this paragraph, or to future medical care as it relates to items in this paragraph.

~~(3)~~ *(6)* In case of physical or mental incapacity, other than minority, of the injured person or his dependents to perform or cause to be performed any act required within the time specified in this section, the period of limitation in any such case shall be extended for three years from the date when the incapacity ceases.

~~(4)~~ *(7)* In the case of injury caused by x-rays, radium, radioactive substances or machines, ionizing radiation, or any other occupational disease, the time limitations otherwise prescribed by Minnesota Statutes 1961, Chapter 176, and acts amendatory thereof, shall not apply, but the employee shall give notice to the employer and commence his action within three years after the employee has knowledge of the cause of such injury and the injury has resulted in disability."

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 2, line 7, after the semicolon, insert "providing a statute of limitations for the reopening of claims;"

Page 2, line 44, after the second semicolon, insert "176.151;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 19 and nays 41, as follows:

Those who voted in the affirmative were:

Ashbach	Berg	Frederick	Lindgren	Sieloff
Bang	Bernhagen	Frederickson	Peterson,D.L.	Taylor
Belanger	Brataas	Knutson	Ramstad	Ulland
Benson	Engler	Kronebusch	Rued	

Those who voted in the negative were:

Berglin	Hanson	Luther	Peterson,R.W.	Tennessen
Bertram	Hughes	Menning	Petty	Vega
Chmielewski	Humphrey	Merriam	Schmitz	Waldorf
Dahl	Johnson	Moe, R. D.	Setzepfandt	Wegener
Davies	Knoll	Nelson	Sikorski	Willet
Davis	Kroening	Olhoft	Spear	
Dicklich	Langseth	Pehler	Stern	
Dieterich	Lantry	Penny	Stokowski	
Frank	Lessard	Peterson,C.C.	Stumpf	

The motion did not prevail. So the amendment was not adopted.

Mr. Ashbach moved to amend S. F. No. 359 as follows:

Pages 66 and 67, delete section 84

Renumber the sections in sequence

Amend the title as follows:

Page 2, delete lines 9 and 10

Page 2, line 11, delete "workers' compensation;"

Page 2, line 44, delete "176.136;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 18 and nays 43, as follows:

Those who voted in the affirmative were:

Ashbach	Berg	Frederick	Lindgren	Taylor
Bang	Bernhagen	Frederickson	Peterson,D.L.	Ulland
Belanger	Brataas	Knutson	Ramstad	
Benson	Engler	Kronebusch	Rued	

Those who voted in the negative were:

Berglin	Hanson	Luther	Peterson,C.C.	Stokowski
Bertram	Hughes	Menning	Peterson,R.W.	Stumpf
Chmielewski	Humphrey	Merriam	Petty	Tennessen
Dahl	Johnson	Moe, D. M.	Schmitz	Vega
Davies	Knoll	Moe, R. D.	Setzepfandt	Waldorf
Davis	Kroening	Nelson	Sieloff	Wegener
Dicklich	Langseth	Olhoft	Sikorski	Willet
Dieterich	Lantry	Pehler	Spear	
Frank	Lessard	Penny	Stern	

The motion did not prevail. So the amendment was not adopted.

Mr. Taylor moved to amend S. F. No. 359 as follows:

Page 51, line 10, strike "the statewide weekly wage" and insert "*$250 per week*"

Amend the title as follows:

Page 1, line 35, after the semicolon, insert "providing for a flat dollar permanent partial maximum;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 18 and nays 43, as follows:

Those who voted in the affirmative were:

Ashbach	Berg	Frederick	Peterson,D.L.	Taylor
Bang	Bernhagen	Frederickson	Ramstad	Ulland
Belanger	Brataas	Knutson	Rued	
Benson	Engler	Lindgren	Sieloff	

Those who voted in the negative were:

Berglin	Hanson	Menning	Peterson,R.W.	Stokowski
Bertram	Hughes	Merriam	Petty	Stumpf
Chmielewski	Humphrey	Moe, D. M.	Purfeerst	Tennessen
Dahl	Johnson	Moe, R. D.	Schmitz	Vega
Davies	Knoll	Nelson	Setzepfandt	Waldorf
Davis	Kroening	Olhoft	Sikorski	Wegener
Dicklich	Langseth	Pehler	Solon	Willet
Dieterich	Lantry	Penny	Spear	
Frank	Luther	Peterson,C.C.	Stern	

The motion did not prevail. So the amendment was not adopted.

Mrs. Brataas moved to amend S. F. No. 359 as follows:

Page 6, delete section 7

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 2, line 29, after the second semicolon, delete "15A.083,"

Page 2, line 30, delete "by adding a subdivision;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 30 and nays 31, as follows:

Those who voted in the affirmative were:

Ashbach	Bernhagen	Engler	Lindgren	Rued
Bang	Bertram	Frank	Menning	Setzepfandt
Belanger	Brataas	Frederick	Olhoft	Sieloff
Benson	Chmielewski	Frederickson	Pehler	Solon
Berg	Davis	Knutson	Peterson,D.L.	Taylor
Berglin	Dicklich	Kronebusch	Ramstad	Ulland

Those who voted in the negative were:

Dahl	Knoll	Moe, R. D.	Sikorski	Waldorf
Davies	Kroening	Nelson	Spear	Wegener
Dieterich	Langseth	Penny	Stern	Willet
Hanson	Lantry	Peterson,C.C.	Stokowski	
Hughes	Luther	Peterson,R.W.	Stumpf	
Humphrey	Merriam	Petty	Tennessen	
Johnson	Moe, D. M.	Purfeerst	Vega	

The motion did not prevail. So the amendment was not adopted.

S. F. No. 359: A bill for an act relating to workers' compensation; expressing the intent of the legislature with respect to chapter 176; transferring compensation judges from the workers compensation division to a separate division within the office of administrative hearings; making the workers' compensation court of appeals a separate and independent agency with appellate review powers; providing for a discount assumption with respect to calculating reserves for claims of insurance companies; authorizing the commissioner of insurance to initiate a rate hearing; permitting benefit payment amounts to be rounded to whole dollars; clarifying certain provisions with respect to the Minnesota workers' compensation reinsurance association; redefining the maximum reinsurance liability limitation as a prefunded limit; providing for a survey of closed compensation claims and an examination of insurer reserving practices; removing the exemption of political subdivisions from the definitions of insurer and insurance in chapter 79; providing for the design and implementation of an improved records and information system in the department of labor and industry; providing for the addition of rehabilitation and computer support personnel in the department of labor and industry; permitting the commissioner of labor and industry to negotiate with his counterparts in other states in jurisdictional disputes; establishing a preponderance of the evidence standard in factual determinations under chapter 176; granting subrogation rights to the special compensation fund in third party actions; providing

for lump sum permanent partial disability payments on return to work and weekly payments if an employee could but does not return to work; limiting attorneys' fees to only disputed portions of claims; providing a procedure for settlement offers by any litigant in a disputed claim proceeding; requiring claimants' attorneys to provide their clients with written information regarding fees under chapter 176; providing a penalty for attorneys who violate the fee provisions of chapter 176; providing a ten year limitation on death benefits to dependents; providing rehabilitation opportunities for dependent surviving spouses; requiring the commissioner of labor and industry to adopt disability degree schedules; prohibiting combined workers' compensation and government survivor benefits from exceeding the limit provided in chapter 176; providing a new formula for determining assessments against employers and insurers for the special compensation fund; providing for payment of attorneys' fees in disputes over supplementary benefits; requiring the commissioner of labor and industry to utlize a medical fee schedule; requiring the commissioner to review the quality of care and other aspects of medical delivery under workers' compensation; establishing a medical panel to resolve disputes over medical disability; providing for payment of wage replacement or disability payments by a group insurer under appropriate provisions pending resolution of liability dispute over compensability; providing for early payment of benefits and a penalty for delay; requiring benefit payments to be made by immediately negotiable instrument; providing that notices of discontinuance of benefit payments be sent directly to claimant by insurer; providing that division legal assistance employees be transferred to the attorney general; delaying first benefit adjustment under chapter 176 for 52 weeks from date of injury; mandating an insurance rate reduction by an amount reflecting cost savings due to benefit and administrative changes; providing penalties; appropriating money; amending Minnesota Statutes 1980, Sections 10A.01, Subdivision 18; 15.052, Subdivisions 1, 2, 3, 4, and 5; 15A.083, by adding a subdivision; 43.064; 60A.15, Subdivision 1; 60C.04; 60C.09, Subdivision 2; 79.01, Subdivisions 2 and 3; 79.071, Subdivision 1, and by adding subdivisions; 79.34, Subdivisions 1 and 2; 79.35; 79.36; 175.007; 175.11, Subdivision 1; 175.14; 175.17; 176.021, Subdivisions 1 and 3, and by adding subdivisions; 176.041, by adding a subdivision; 176.061, Subdivisions 1, 3, 4, 5, 6 and 7; 176.081, Subdivisions 1, 2, 3, 4, and 6, and by adding subdivisions; 176.101, Subdivision 3; 176.102, by adding a subdivision; 176.105, Subdivision 1; 176.111, Subdivisions 6, 7, 8, 10 and 21, and by adding a subdivision; 176.131, Subdivision 10; 176.132, Subdivision 2; 176.133; 176.136; 176.161, Subdivision 1; 176.181, Subdivisions 2 and 3, and by adding a subdivision; 176.191; 176.221; 176.225, by adding a subdivision; 176.231, Subdivisions 2 and 7; 176.241, Subdivisions 1, 2 and 3; 176.261; 176.291; 176.301, Subdivision 1; 176.305; 176.311; 176.331; 176.341, Subdivision 1; 176.351; 176.371; 176.381; 176.391; 176.401; 176.411, Subdivisions 1 and 2; 176.421, Subdivisions 1, 4, 5, 6 and 7; 176.431, Subdivision 1; 176.441, Subdivision 1; 176.461; 176.471, Subdivisions 3, 5, 6 and 8; 176.491; 176.511, Subdivision 1; 176.521, Subdivisions 1 and 2; 176.531, Subdivision 3; 176.645; and 179.74, Subdivision 4; proposing new law coded as Minnesota Statutes, Chapter 175A; and proposing new law coded in Minnesota Statutes, Chapters 79 and 176; repealing Minnesota Statutes 1980, Sections 79.071, Subdivisions 1, 2, 3, 4, 5, 6, and 7; 79.072; 79.073; 79.074, Subdivision 1; 79.075 to 79.09; 79.11 to 79.21; 79.22, Subdivision 1; 79.221 to 79.33; 175.006, Subdivisions 1a and 2; 175.0061; 175.09; 176.111, Subdivision 11; and 176.441, Subdivision 2; reenacting laws 1980, Chapter 556, Section 12.

Was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 44 and nays 17, as follows:

Those who voted in the affirmative were:

Benson	Frank	Luther	Peterson,C.C.	Stern
Berglin	Hanson	Menning	Peterson,R.W.	Stokowski
Bertram	Hughes	Merriam	Petty	Stumpf
Chmielewski	Humphrey	Moe, D. M.	Purfeerst	Tennessen
Dahl	Johnson	Moe, R. D.	Schmitz	Vega
Davies	Knoll	Nelson	Setzepfandt	Waldorf
Davis	Kroening	Olhoft	Sikorski	Wegener
Dicklich	Lantry	Pehler	Solon	Willet
Dieterich	Lessard	Penny	Spear	

Those who voted in the negative were:

Ashbach	Brataas	Knutson	Ramstad	Ulland
Bang	Engler	Kronebusch	Rued	
Belanger	Frederick	Lindgren	Sieloff	
Berg	Frederickson	Peterson,D.L.	Taylor	

So the bill, as amended, passed and its title was agreed to.

Without objection, the Senate reverted to the Order of Business of Messages from the House.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House accedes to the request of the Senate for the return of Senate File No. 759 for further consideration.

S. F. No. 759: A bill for an act relating to transportation; establishing a rail bank account; providing for the deposit of money in the rail bank account and specifying the purposes for which it may be expended; limiting the means by which the commissioner may acquire certain abandoned railroad right-of-way; appropriating money; amending Minnesota Statutes 1980, Sections 222.49; 222.50, Subdivision 7; 222.63, Subdivision 2, and by adding a subdivision; and Laws 1980, Chapter 610, Section 1.

Senate File No. 759 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 20, 1981

RECONSIDERATION

Without objection Mr. Penny moved that the vote whereby S. F. No. 759 was passed by the Senate on April 15, 1981, be now reconsidered. The motion prevailed.

Mr. Penny moved that S. F. No. 759 be laid on the table. The motion prevailed.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Mr. Wegener moved that H. F. No. 928 be withdrawn from the Committee on Local Government and Urban Affairs and re-referred to the Committee on Rules and Administration for comparison with S. F. No. 950. The motion prevailed.

Mr. Moe, R.D. moved that the Senate do now adjourn until 12:00 noon, Wednesday, April 22, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRTY-EIGHTH DAY

St. Paul, Minnesota, Wednesday, April 22, 1981

The Senate met at 12:00 Noon and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Craig Hanson.

The roll was called, and the following Senators answered to their names:

Ashbach	Dicklich	Kroening	Pehler	Solon
Bang	Dieterich	Kronebusch	Penny	Spear
Belanger	Engler	Langseth	Peterson, C.C.	Stern
Benson	Frank	Lantry	Peterson, R.W.	Stokowski
Berg	Frederick	Lessard	Petty	Stumpf
Berglin	Frederickson	Lindgren	Pillsbury	Taylor
Bernhagen	Hanson	Luther	Purfeerst	Tennessen
Bertram	Hughes	Menning	Ramstad	Ulland
Brataas	Humphrey	Merriam	Renneke	Vega
Chmielewski	Johnson	Moe, D.M.	Rued	Waldorf
Dahl	Keefe	Moe, R.D.	Schmitz	Wegener
Davies	Knoll	Nelson	Setzepfandt	Willet
Davis	Knutson	Olhoft	Sikorski	

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. Peterson, D. L. and Sieloff were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

April 17, 1981

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

The Honorable Jack Davies
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1981 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1981	Date Filed 1981
	214	38	April 16	April 17
	1083	39	April 16	April 17

Sincerely,

Joan Anderson Growe
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S. F. Nos. 263 and 718.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 20, 1981

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of three members of the House, on the amendments adopted by the House to the following Senate File:

S. F. No. 121: A bill for an act relating to statutory cities and urban towns; permitting publication of summaries of ordinances prior to enactment; amending Minnesota Statutes 1980, Sections 368.01, Subdivision 21; and 412.191, Subdivision 4.

There has been appointed as such committee on the part of the House:

Clawson, McEachern and Levi.

Senate File No. 121 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 20, 1981

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of three members of the House, on the amendments adopted by the House to the following Senate File:

S. F. No. 209: A bill for an act relating to gambling devices; clarifying definitions of gambling devices; authorizing an additional gambling device; authorizing certain payments for operation of gambling devices; changing prize limitations; changing the penalty provision for violation; amending Minnesota Statutes 1980, Sections 349.26, Subdivisions 2, 4, 5, 12, 13, 14 and 15, and by adding a subdivision; 349.30, Subdivision 2; and 349.31, Subdivision 1.

There has been appointed as such committee on the part of the House:

Reding, Rice and Hoberg.

Senate File No. 209 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 20, 1981

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 484, 567, 708, 749, 632, 552, 681, 838, 1052, 70, 996 and 1059.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 20, 1981

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H. F. No. 484: A bill for an act relating to commerce; clarifying the definition of "continuing care"; providing for implementation of the continuing care facilities disclosure and rehabilitation act in a self-executing manner; amending Minnesota Statutes 1980, Sections 80D.01; 80D.02, Subdivision 2, and by adding a subdivision; 80D.03, Subdivision 1; 80D.04; 80D.05; 80D.06; 80D.08; 80D.09; 80D.11; 80D.13, Subdivision 1; 80D.14, Subdivisions 1 and 2; 80D.15; 80D.16; and 82.18; repealing Minnesota Statutes 1980, Sections 80D.02, Subdivision 3; 80D.03, Subdivisions 3 and 4; 80D.10; 80D.12; 80D.14, Subdivision 3; 80D.17; and 80D.18.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 398, now on General Orders.

H. F. No. 567: A bill for an act relating to retirement; teachers retirement association and teacher retirement fund associations in cities of the first class; allowing certain types of survivor coverage be provided to a designated beneficiary instead of a surviving spouse; requiring public pension funds to provide information concerning optional annuity forms with retirement application form; requiring the signature of the spouse of a member on the retirement application form in certain instances; amending Minnesota Statutes 1980, Sections 354.46, Subdivisions 1 and 2, and by adding a subdivision; 354.47, Subdivision 1; and 354A.35, by adding a subdivision; and proposing new law coded in Minnesota Statutes, Chapter 356.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 1293.

H. F. No. 708: A bill for an act relating to public improvements; permitting deferral of special assessments in instances of hardship; amending Minnesota Statutes 1980, Section 435.193.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 95, now on the Calendar.

H. F. No. 749: A bill for an act relating to real property; providing a fee for issuing noncertified copies of instruments or parts of instruments on file in the office of the registrar of titles; amending Minnesota Statutes 1980, Section

508.82.

Referred to the Committee on Judiciary.

H. F. No. 632: A bill for an act relating to financial institutions; removing certain restrictions on directorsqualifying shares; amending Minnesota Statutes 1980, Section 48.06.

Referred to the Committee on Commerce.

H. F. No. 552: A bill for an act relating to commerce; prohibiting fraud in the use of recreational camping areas; providing a penalty; amending Minnesota Statutes 1980, Sections 327.07; and 327.14, Subdivision 8.

Referred to the Committee on Judiciary.

H. F. No. 681: A bill for an act relating to retirement; reducing a certain deduction from amounts available to pay post-retirement adjustments; appropriating funds; amending Minnesota Statutes 1980, Section 11A.18, Subdivision 9.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 974, now on General Orders.

H. F. No. 838: A bill for an act relating to transportation; delaying the effective date of the laws establishing and prescribing the powers and duties of the transportation regulation board; amending Laws 1980, Chapter 534, Section 87.

Referred to the Committee on Finance.

H. F. No. 1052: A bill for an act relating to state lands; providing for the conveyance of certain land to the city of Fergus Falls.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 922, now on General Orders.

H. F. No. 70: A bill for an act relating to education; providing for aids to education, aids to libraries, tax levies and the distribution of tax revenues; granting certain powers and duties to school districts, the state board of education and others; replacing AVTI capital expenditure aid with AVTI equipment aid and AVTI repair and betterment aid; requiring a legislative study of curriculum implications of secondary vocational education aid; providing a new aid and levy authorization for certain capital expenditures; changing the preschool screening program from mandatory to optional; limiting participation in teacher mobility programs; decreasing the state's obligations and changing eligibility standards for the maximum effort school aid program; appropriating money; amending Minnesota Statutes 1980, Sections 3.9278, Subdivision 1; 3.9279, Subdivisions 10 and 12; 120.17, Subdivisions 3, 3b, 4, 5a, 6, 7 and by adding a subdivision; 121.904, Subdivision 7; 121.906, Subdivisions 2 and 3; 121.912, Subdivision 1; 122.22, Subdivisions 3, 4, 5, 8, 9, 11, 13, 14, 20 and by adding a subdivision; 123.35, Subdivision 15; 123.36, Subdivision 13; 123.39, Subdivision 1 and by adding a subdivision; 123.702, Subdivision 1; 123.703, Subdivision 3; 123.705; 123.937; 124.01, Subdivisions 2, 3, 4 and by adding a subdivision; 124.11, Subdivisions 1, 2a, 2b, 2c and by adding a subdivision; 124.14, Subdivisions 3, 4 and by adding a subdivision; 124.17, Subdivisions 2, 2c and by adding a subdivision; 124.20; 124.212, Subdivisions 1, 5a, 7d, 8a, 9a and by adding a subdivision; 124.223; 124.225,

Subdivisions 1, 1a, 2, 3, 4a, 5, 6, 7a, 8a, 8b, 9, 11 and by adding a subdivision; 124.245, Subdivisions 1, 2 and by adding a subdivision; 124.247, Subdivisions 3 and 5; 124.26, Subdivisions 3, 4 and by adding subdivisions; 124.271, Subdivision 2; 124.32, Subdivisions 1a, 1b, 6, 9 and by adding a subdivision; 124.38, Subdivision 7; 124.39, Subdivision 5; 124.40, Subdivision 2; 124.41; 124.42, Subdivisions 1 and 2; 124.43, Subdivisions 1, 2, 3, 4 and 5; 124.474; 124.476; 124.561, Subdivisions 2a, 3a and by adding subdivisions; 124.562, by adding a subdivision; 124.5621, Subdivisions 2, 5, 6 and 12; 124.5622, Subdivisions 3, 4 and 5; 124.5623, Subdivisions 3, 4 and 5; 124.5624; 124.565, Subdivisions 3, 4, 6 and 7; 124.566; 124.572, Subdivision 8 and by adding subdivisions; 124.573, Subdivisions 2, 3a, 5 and by adding a subdivision; 124.574, Subdivisions 2 and 4; 124.646, Subdivision 1; 125.60, Subdivisions 2a and 7; 125.611, Subdivisions 1, 3, 5, 8, 9 and 10; 126.54, Subdivision 1; 134.35, Subdivision 1; 134.351, Subdivision 5 and by adding subdivisions; 134.36; 275.125, Subdivisions 2a, 2c, 6b, 6c, 7a, 7b, 8, 11a and by adding subdivisions; 298.28, Subdivision 1; 354.094, Subdivisions 1, 2, 3 and by adding a subdivision; 354.66, Subdivision 9; 354A.091, Subdivisions 1, 2, 3 and by adding a subdivision; 354A.094, Subdivision 9; 375.335, Subdivision 4 and by adding subdivisions; Laws 1967, Chapter 822, Section 1, as amended; proposing new law coded in Minnesota Statutes, Chapters 120; and 124; repealing Minnesota Statutes 1980, Sections 3.9279, Subdivision 13; 120.17, Subdivision 3c; 122.22, Subdivisions 10, 12, 15 and 16; 123.40, Subdivision 5; 124.212, Subdivisions 6c and 7c; 124.225, Subdivisions 4, 7 and 8; 124.271, Subdivision 1a; 124.561, Subdivision 4; 124.562, Subdivisions 3 and 4; 124.571; 126.268, Subdivision 1; 126.52, Subdivision 12; 275.125, Subdivisions 2b and 14.

Referred to the Committee on Education.

H. F. No. 996: A bill for an act relating to retirement; making various administrative changes in the teachers retirement law; authorizing a medical advisor; payment of shortages in member deductions; amending Minnesota Statutes 1980, Sections 354.06, Subdivisions 2 and 2a; 354.091; 354.092; 354.41, by adding a subdivision; 354.44, Subdivisions 4 and 8; 354.48, Subdivisions 2, 4, and by adding a subdivision; 354.51, Subdivision 5; 354.52, Subdivision 4; and 354.62, Subdivisions 4 and 5.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 983, now on General Orders.

H. F. No. 1059: A bill for an act relating to crimes; providing for the type of proof of the fact of killing in murder and manslaughter cases; amending Minnesota Statutes 1980, Section 634.051.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 985, now on General Orders.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Wegener from the Committee on Local Government and Urban Affairs, to which was referred

H. F. No. 591: A bill for an act relating to the city of St. Paul; repealing the

people mover act; repealing Minnesota Statutes 1980, Chapter 458B.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Wegener from the Committee on Local Government and Urban Affairs, to which was referred

S. F. No. 1204: A bill for an act relating to the city of Blaine; permitting all council members to serve on the housing and redevelopment authority.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Wegener from the Committee on Local Government and Urban Affairs, to which was referred

S. F. No. 950: A bill for an act relating to the city of Isanti; authorizing the city to issue general obligation bonds for the acquisition and betterment of a municipal building.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Willet from the Committee on Finance, to which was referred

H. F. No. 1304: A bill for an act relating to state government; providing for deficiencies in and supplementing appropriations for the expenses of state government; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 15, delete "$57,625,300" and insert "$58,013,500"

Page 1, line 16, delete "828,600" and insert "450,700"

Page 1, after line 16, insert:

"Highway User 1,727,200"

Page 1, line 17, delete "$58,453,900" and insert "$60,191,400"

Page 2, line 2, before "Unemployment" insert "Subdivision 1."

Page 2, after line 10, insert:

"Subd. 2. Gas Tax Reimbursement - 1977-79 10,300

To the commissioner of finance for transfer to the highway user tax distribution fund to correct an overestimate in the cost of collecting the tax on gasoline and gasoline substitutes during the 1977-79 biennium.

Subd. 3. Gas Tax Reimbursement - 1979-81 1,727,200

This appropriation is from the highway user tax distribution fund to the general fund to reimburse the general fund for the cost of collecting

the tax on gasoline and gasoline substitutes and the cost of bond premiums during the 1979-81 biennium."

Page 2, line 19, delete "$158,800" and insert "$104,900"

Page 2, line 22, delete "$669,800" and insert "$345,800"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 1277: A bill for an act relating to mobile homes; regulating lot rentals; specifying conditions on which a lessor may recover possession of land upon which a mobile home is located; amending Minnesota Statutes 1980, Section 327.44.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 12, strike "or"

Page 2, reinstate line 13

Page 2, line 14, reinstate "lessor seeks to recover possession"

Page 2, line 15, reinstate the semicolon

Page 2, line 15, before the semicolon, insert "*as provided in section 2*"

Page 2, line 15, after the semicolon, insert "*or*"

Page 2, line 16, reinstate the stricken language and delete the new language

Page 2, after line 22, insert:

"Sec. 2. [327.441] [RECOVERY OF POSSESSION.]

Subdivision 1. [NOTICE.] *To recover possession of a mobile home lot as allowed in section 327.44, clause (f), a lessor must give the tenant written notice at least 60 days before the expiration of the lease. The notice shall state the date that the lease will expire and explain the tenant's rights as provided in this section to sell the home within the park. If the park gives the tenant the notice required by this section, the tenant must stop residing on the lot when the lease expires. If the tenant continues to reside on the lot after the expiration of the lease, the lessor may bring an action for possession.*

Subd. 2. [SALE AFTER NOTICE.] *After receiving the notice required by subdivision 1, the tenant may sell his mobile home within the park until the lease expires; provided, that the lessor may reserve the right to approve any buyer as a tenant. Approval shall not be unreasonably withheld.*

Subd. 3. [EXPIRATION OF LEASE PRIOR TO SALE.] *If the lease expires and the tenant has not sold his home, the tenant may keep the home installed on the lot for an additional 60 days solely for the purpose of selling the home within the park if: (a) at least 30 days prior to the expiration of the lease the tenant gives the lessor written notice that the home will remain in the park for the purpose of sale; (b) the tenant does not reside in the home or on the lot; (c) the tenant obeys all reasonable park rules and regulations relating to lot and home maintenance; and (d) the tenant pays rent and any applicable utility*

charges on time. The lessor may reserve the right to approve any buyer as a tenant. Approval shall not be unreasonably withheld. If the tenant fails to perform as required by this subdivision, the park may immediately bring an action for possession. If 61 days after the expiration of the lease the home has been neither removed from the lot nor sold to a buyer whom the lessor has approved as a tenant, the lessor may bring an action for possession.

Sec. 3. Minnesota Statutes 1980, Section 327.553, Subdivision 1, is amended to read:

Subdivision 1. [DISCLOSURE REQUIRED.] Prior to the consummation of the sale of any mobile home other than a new mobile home, each dealer shall disclose to all parties to the transaction all charges, payments, commissions and other fees paid or payable in connection with the transaction. *The dealer shall also disclose to all parties the age of the mobile home and the policy, if any, of the mobile home park where the mobile home is located, with regard to the sale of a mobile home within the park after a mobile home is more than 15 years old.* This subdivision shall not require any dealer to disclose any consideration received for having acted as an insurance agent, as defined in section 60A.02, subdivision 7, in connection with the transaction, nor shall this subdivision require any dealer to disclose any consideration received in return for the dealer having agreed to any contingent liability in connection with the financing of the sale.''

Page 2, line 23, delete ''2'' and insert ''4''

Page 2, line 24, delete ''*the day following its final enactment*'' and insert ''*August 1, 1981, and shall apply to all leases commenced, renewed, or extended on or after that date. It shall also apply to all leases of a term of one year or more commenced, renewed, or entered into prior to August 1, 1981, which are still in effect on that date*''

Amend the title as follows:

Page 1, line 5, delete ''Section'' and insert ''Sections''

Page 1, line 6, before the period, insert ''; and 327.553, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 327''

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 831: A bill for an act relating to commerce; regulating consumer credit and related finance charges, insurance, loans and other conditions of credit; enacting the uniform consumer credit code; providing penalties; amending Minnesota Statutes 1980, Sections 53.01; 53.04, Subdivisions 1 and 3; 53.051; 61B.03, Subdivisions 7 and 8; and 62E.02, Subdivision 11; proposing new law coded in Minnesota Statutes, Chapter 337; repealing Minnesota Statutes 1980, Sections 48.153; 48.154; 48.155; 48.156; 48.157; 48.185; 48.195; 48.196; 52.14; 53.04, Subdivisions 4, 6, and 7; 168.66; 168.67; 168.68; 168.69; 168.70; 168.705; 168.706; 168.71; 168.72; 168.73; 168.74; 168.75; 168.76; 168.77; 325G.15; 325G.16; 325G.21; 325G.22; 334.01; 334.011; 334.012; 334.02; 334.021; 334.03; 334.04; 334.05; 334.06; 334.061; 334.16; 334.17; 334.18; and 334.19; and Chapter 56.

Reports the same back with the recommendation that the bill be amended as

follows:

Page 4, after line 35, insert:

"*(c) the rate of finance charge permitted by section 337.2-401, subsection (2), paragraph (b), shall, as of January 1, 1982, and for one year thereafter, not be less than 21.75 percent.*

(d) the rates of finance charge permitted by sections 337.2-201, subsection (2), paragraph (b), and 337.2-401, subsection (2), paragraph (b), shall not be less than 16 percent.

(e) the rate of finance charge permitted by section 337.2-202, subsection (3), shall not be less than one and one-third percent."

Page 16, line 16, after "*loss*" insert ", *except a premium for insurance coverage governed by section 337.2-501, subsection (2)*"

Page 20, line 16, after the period, insert "*The term also includes a contract in the form of a terminable bailment or lease of goods if: (a) the bailee or the lessee has the option to renew the contract by making the payments specified in the contract; (b) the contract obligates the bailor or the lessor to transfer ownership of the property to the bailee or lessee for no other or a nominal consideration upon full compliance by the bailee or lessee with his obligations under the contract including any obligation incurred by reason of the exercise of an option by the bailee or lessee to renew the contract; and (c) the payments contracted for by the bailee or lessee, including those payments pursuant to the exercise of an option by the bailee or lessee to renew the contract, are substantially equivalent to or in excess of the aggregate value of the property and services involved. All contracts or obligations in the form of terminable bailments or leases of goods relating to consumer credit sales shall specify whether the goods which are the subject of the sale are new or used.*"

Page 24, line 34, after "*amounts*" insert "*and rates of finance charge*"

Page 26, line 19, after "*amounts*" insert "*and rates of finance charge*"

Page 27, line 2, after the period, insert "*The applicant, at the time of filing the application, shall pay to the administrator an initial application fee of $150 and an investigation fee of $250.*"

Page 31, lines 10, 11, and 14, delete "*$1,000*" and insert " *$3,000*"

Page 34, line 19, after "*amounts*" insert "*and rates of finance charge*"

Page 43, delete lines 5 to 22 and insert:

"*(1) With respect to a consumer credit transaction, no term of a writing may provide for the payment by the consumer of attorney's fees.*

(2) A provision in violation of this section is subject to the provisions of section 337.5-201."

Page 44, delete lines 24 to 36 and insert:

"*(3) In the event of prepayment, the creditor shall recompute or redetermine the earned finance charge by applying, according to the actuarial method, the percentage rate of finance charge required to be disclosed to the consumer pursuant to law to the actual unpaid balances of the amount financed for the actual time that the unpaid balances were outstanding as of the date of pre-*

payment, giving effect to each payment, including payments of any deferral and delinquency charges, as of the date of the payment. The administrator shall adopt rules to simplify the calculation of the unearned portion of the finance charge, including allowance of the use of tables or other methods derived by application of a percentage rate which deviates by not more than one-quarter of one percent from the rate of the finance charge required to be disclosed to the consumer pursuant to law, based on the assumption that all payments were made as originally scheduled or as deferred."

Page 45, delete lines 1 to 34

Renumber the subsections in sequence

Page 45, line 35, delete "*(5)*" and insert "*(3)*"

Page 47, line 28, before "*The*" insert "*(1) Except for a consumer credit sale in which the seller receives a purchase order or offer by mail or telephone, or through electronic media without personal solicitation,*"

Page 48, after line 13, insert:

"*(2) With respect to a consumer credit sale, if the seller receives a purchase order or offer by mail or telephone or through electronic media without personal solicitation the disclosure provided for in subsection (1) shall not apply and the seller complies with this part if:*

(a) he makes the disclosures at the time and in the manner provided in the general disclosure requirements and provisions (subsection (1) of section 337.3-201), or

(b) the seller's catalog or other printed material distributed to the public sets forth the cash price, the method of determining the deferred payment price, and the terms of financing, including the annual percentage rate and before the first payment is due on the sale, he gives the information required by this part including the notice prescribed in subsection (3).

(3) The notice shall be in writing and conspicuous and shall provide that if the buyer does not wish to make the purchase on credit, he may, within 30 days after receiving the notice, prepay the obligation as to that purchase for an amount stated or identified in the notice and avoid the payment of any credit service charge as to that purchase. A prepayment under this section is subject to the provisions of sections 1 to 126 on prepayment, except that no credit service charge shall be made if prepayment in full is made within the period specified in the notice. Payment by mail is effective when posted."

Page 49, line 18, after the period, insert "*However, a periodic statement or other receipt is not required to be sent to a consumer who has a debit or credit balance of $1 or less at the end of a billing cycle.*"

Page 52, lines 11 and 23, delete "*$1,000*" and insert " *$3,000*"

Page 61, after line 27, insert:

"*(3) Notwithstanding any other provision of this article, a creditor may offer credit life or property insurance for a credit transaction entered into by mail or telephone, or through electronic media without personal solicitation provided:*

(a) The insurance is not required by the creditor, and this fact is disclosed to

the consumer;

(b) The premium for the initial term of insurance coverage or the unit cost of the premium for the term period and, if the term of insurance will expire before the term of the transaction, the expiration date of the insurance, is disclosed to the consumer; and

(c) The consumer signs or initials an affirmative written statement requesting the insurance after receiving the disclosures specified in this subsection;"

Page 62, line 24, before "*If*" insert "*(1) Except as provided in subsection (2),*"

Page 62, after line 29, insert:

"*(2) A creditor who provides consumer credit insurance in relation to open-end credit may calculate the charge to the consumer in each billing cycle by applying the current premium rate to the balance in the manner permitted with respect to finance charges by the provisions on finance charge for consumer credit sales pursuant to open-end credit (section 337.2-202).*"

Page 65, line 6, after "*rules*" insert ", *including temporary rules,*"

Page 66, line 12, after "*credit*" insert "*if the amount advanced is $500 or less*"

Page 66, line 13, delete "*$1,000*" and insert "*$500*"

Page 66, line 29, after "*transaction*" insert "*unless each obligator is earning income but for the consideration of which credit would not have been granted*"

Page 66, line 30, after "*(2)*" insert "*If consumer credit insurance is provided in connection with an open-end credit account, the amounts payable as insurance benefits may be reasonably commensurate with the amount of debt as it exists from time to time.*"

Page 68, line 4, after "*percent*" insert "*or more*"

Page 68, line 17, after "*transaction*" insert "*on property not otherwise covered by a policy of insurance upon which the borrower is entitled to benefits*"

Page 72, delete lines 23 to 36

Page 73, delete lines 1 to 18

Page 81, line 24, before the period, insert ", *provided, however, that this section does not apply to a purchase money security interest nor to any goods as to which a claim of exemption has been waived under the provisions of section 550.37, subdivision 19*"

Page 84, line 11, after "*of*" insert "*twice his*"

Page 84, line 13, delete "*Damages recoverable*"

Page 84, delete line 14

Page 97, line 7, delete "*$10*" and insert "*$25*"

Page 97, line 14, after "*the*" insert "*first $10,000,000 of the average unpaid balances and $1 for each $100,000 or part thereof exceeding*

$10,000,000 of the''

Page 97, line 20, after ''*notification*'' insert '', *and excluding balances of accounts which have been paid o full and in which no finance charge is incurred*''

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Public Employees and Pensions, to which was referred

S. F. No. 1293: A bill for an act relating to retirement; teachers retirement association and teacher retirement fund associations in cities of the first class; allowing certain types of survivor coverage be provided to a designated beneficiary instead of a surviving spouse requiring public pension funds to provide information concerning optional annuity forms with retirement application form; requiring the signature of the spouse of a member on the retirement application form in certain instances; amending Minnesota Statutes 1980, Sections 354.46, Subdivisions 1 and 2; 354.47, Subdivision 1; and 354A.35, Subdivisions 1 and 2; and proposing new law coded in Minnesota Statutes, Chapter 356.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 7, reinstate the stricken language

Page 3, line 8, delete the new language

Page 3, line 13, delete ''*member contributions*'' and insert '' *deductions*''

Page 4, line 4, delete ''*while in active service*'' and delete ''*and*'' and insert ''*which*''

Page 4, line 5, delete ''*designate a beneficiary to whom the benefit*'' and after ''*payable*'' insert ''*to the surviving spouse*''

Page 4, line 6, delete ''*member*'' and insert ''*person*''

Page 4, line 7, delete everything after the first ''*the*''

Page 4, line 8, after ''*spouse,*'' insert ''*if the surviving spouse*''

Page 4, line 9, after ''*subdivision 1*'' insert '', *if applicable,*''

Page 4, line 12, delete ''*the designated beneficiary*'' and insert ''*whichever is applicable,*''

Page 4, line 21, delete ''*if the designated*'' and insert a period

Page 4, delete lines 22 to 25 and insert:

''Sec. 3. Minnesota Statutes 1980, Section 354.46, is amended by adding a subdivision to read:

Subd. 5. [PAYMENT TO DESIGNATED BENEFICIARY.] *Any member and the spouse of the member may make a joint specification in writing on a form prescribed by the executive director that the benefits provided in subdivision 2, or in section 354.47, subdivision 1, shall be paid only to a designated beneficiary. For purposes of this subdivision, a designated beneficiary may*

only be either a former spouse or a child, either natural or adopted, of the member.''

Page 4, line 35, strike ''beneficiary'' and delete '' *designated by the member*'' and insert ''*surviving spouse*''

Page 5, line 9, strike ''beneficiary'' and delete ''*designated by the*'' and insert ''*surviving spouse*''

Page 5, line 10, delete ''*member*''

Pages 5 and 6, delete sections 4 and 5 and insert:

''Sec. 5. Minnesota Statutes 1980, Section 354A.35, is amended by adding a subdivision to read:

Subd. 5. [PAYMENT TO DESIGNATED BENEFICIARY.] *Any coordinated member and the spouse of the coordinated member may make a joint specification in writing on a form prescribed by the executive secretary that the benefits provided in section 354A.35, subdivisions 1 or 2, shall be paid only to a designated beneficiary. For purposes of this subdivision, a designated beneficiary may only be either a former spouse or a child, either natural or adopted, of the member.*''

Page 7, line 19, delete ''SIGNATURE OF'' and insert ''NOTICE TO''

Page 7, line 22, delete ''*no election of*''

Page 7, delete lines 23 to 28 and insert ''*the public pension fund shall send a copy of the written statement required by subdivision 2 to the spouse of the member prior to the member's election of an optional annuity.*

Following the election of an annuity form by the member, a copy of the completed annuity application shall be sent by certified mail to the spouse of the retiring member.''

Page 7, line 33, after ''*act*'' insert ''*and the spouse of the person*''

Page 7, line 33, delete ''*designating a*'' and insert ''*making a joint specification in writing on a form prescribed by the executive director or executive secretary, whichever is applicable, that the benefits provided in sections 354.46, subdivision 2, 354.47, subdivision 1, or 354A.35, subdivisions 1 or 2, whichever is applicable, shall be paid only to a designated beneficiary.*''

Page 7, delete lines 34 to 36

Page 8, delete lines 1 and 2

Page 8, line 3, delete ''*class, whichever is applicable.*''

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after ''spouse'' insert a semicolon

Page 1, line 12, after ''2'' insert '', and by adding a subdivision''

Page 1, line 13, delete ''Subdivisions 1 and 2'' and insert ''by adding a subdivision''

And when so amended the bill do pass. Amendments adopted. Report

adopted.

Mr. Wegener from the Committee on Local Government and Urban Affairs, to which was referred

S. F. No. 807: A bill for an act relating to peace officers; creating the Minnesota law enforcement training account; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 626.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [626.86] [MINNESOTA LAW ENFORCEMENT TRAINING ACCOUNT.]

Subdivision 1. [CREATION OF ACCOUNT.] *The Minnesota law enforcement training account is created as a separate account in the general fund of the state treasury.*

Subd. 2. [PURPOSES.] *All penalty assessments collected pursuant to section 3 for violations of Minnesota Statutes, Chapters 168 to 173, or an equivalent local traffic ordinance and forwarded to the state treasurer shall be deposited in the Minnesota law enforcement training account. All money in the state treasury credited to the Minnesota law enforcement training account is annually appropriated to the Minnesota board of peace officer standards and training for the purpose of providing law enforcement financial assistance to local units of government. Financial assistance shall be available for board approved skill courses and in-service training under Minnesota Statutes, Chapters 214 and 626.*

Subd. 3. [DISBURSEMENTS.] *Disbursements from the account shall be made by the state treasurer upon order of the commissioner of finance at the times and in the amounts determined by the board of peace officer standards and training.*

Subd. 4. [ALLOCATION OF DISBURSEMENTS.] *Disbursements of funds pursuant to subdivision 3 shall be made according to the following method for the purposes of subdivision 2:*

(a) Ten percent shall be provided for reimbursement to board approved skills courses in proportion to the number of students successfully completing the board's skills licensing examination.

(b) To each local unit of government an amount in proportion to the number of licensed peace officers and constables employed, at a rate to be determined by the board. The disbursed amount shall be used exclusively for reimbursement of the cost of in-service training required under chapters 214 and 626.

Sec. 2. [626.861] [CRIME VICTIMS ASSISTANCE ACCOUNT.]

Subdivision 1. [CREATION OF ACCOUNT.] *The crime victims assistance account is created as a separate account in the general fund of the state treasury.*

Subd. 2. [APPROPRIATION; PURPOSE.] *All penalty assessments collected pursuant to section 3 for petty misdemeanors or for violations of the criminal laws of this state, except for penalty assessments imposed for viola-*

tions of Minnesota Statutes, Chapters 168 to 173, or equivalent local traffic ordinances and forwarded to the state treasurer, shall be deposited in the crime victims assistance account. All money in the state treasury credited to the crime victims assistance account is annually appropriated to the crime victims reparations board for the purposes authorized by sections 299B.01 to 299B.17.

Subd. 3. [DISBURSEMENTS.] *Disbursements from the crime victims assistance account shall be made by the state treasurer upon order of the commissioner of finance at the times and in the amounts determined by the crime victims reparations board.*

Sec. 3. [626.862] [LEVY AND COLLECTION OF PENALTY ASSESSMENTS.]

Subdivision 1. [LEVY OF ASSESSMENT.] *On and after the effective date of sections 1, 2, and 3, there is levied a penalty assessment of ten percent on each fine imposed and collected by the courts of this state for petty misdemeanors or for criminal or traffic offenses, other than a fine or forfeiture for a violation of a local ordinance or other law relating to the parking of a vehicle. In cases where the defendant is convicted but a fine is not imposed, or execution of the fine is stayed, the court shall impose a penalty assessment of not less than $5 nor more than $10 when the conviction is for a misdemeanor or petty misdemeanor, and shall impose a penalty assessment of not less than $10 but not more than $50 when the conviction is for a gross misdemeanor or felony. Where multiple offenses are involved, the penalty assessment shall be assessed separately on each offense for which the defendant is sentenced. If imposition or execution of sentence is stayed for all of the multiple offenses, the penalty assessment shall be based upon the most serious offense of which the defendant was convicted. Where the court suspends a portion of a fine, the suspended portion shall not be counted in determining the amount of the penalty assessment unless the offender is ordered to pay the suspended portion of the fine. Suspension of an entire fine shall be treated as a stay of execution for purposes of computing the amount of the penalty assessment.*

Subd. 2. [PAYMENT GUIDELINES.] *The sentencing court may, upon a showing of indigency or undue hardship upon the convicted person or his immediate family, authorize payment of the penalty assessment in installments. If the convicted person is sentenced and committed to imprisonment, the chief executive officer of the institution in which the person is confined may collect the assessment from any earnings the inmate shall accrue for work performed in the institution or while on conditional release therefrom under the provisions of Minnesota Statutes, Sections 241.26 or 631.425 and forward same to the clerk of the court in which he was sentenced, for transmittal to the state treasurer in the manner provided in section 3, subdivision 3.*

The court may decline to impose a penalty assessment or may forgive payment of a penalty assessment previously imposed, in cases where undue hardship cannot otherwise be avoided.

Subd. 3. [COLLECTION BY COURT.] *After a determination by the court of the amount of the fine or penalty assessment due, the clerk of court shall collect the appropriate penalty assessment and transmit it to the county treasurer separately but with the same frequency as fines are transmitted. Amounts collected under this subdivision shall then be transmitted to the state treasurer for deposit in the Minnesota law enforcement training account or in the victim*

assistance account, whichever account is designated by the transmitting court, in the same manner as fines collected for the state by a county.

Sec. 4. Minnesota Statutes 1980, Section 171.16, Subdivision 3, is amended to read:

Subd. 3. [SUSPENSION FOR FAILURE TO PAY FINE.] When any court reports to the commissioner that a person: (1) has been convicted of violating a law of this state or an ordinance of a political subdivision which regulates the operation or parking of motor vehicles, (2) has been sentenced to the payment of a fine ~~only~~ *or had a penalty assessment levied against him or her, or sentenced to a fine upon which a penalty assessment was levied*, and (3) has refused or failed to comply with that sentence *or to pay the penalty assessment*, notwithstanding the fact that the court has determined that the person has the ability to pay the fine *or penalty assessment*, the commissioner shall suspend the driver's license of such person for 30 days for a refusal or failure to pay or until notified by the court that the fine *or penalty assessment, or both if a fine and penalty assessment were not paid*, has been paid.

Sec. 5. Minnesota Statutes 1980, Section 299B.06, is amended to read:

299B.06 [POWERS AND DUTIES OF THE BOARD.]

Subdivision 1. [DUTIES.] In addition to carrying out any duties specified elsewhere in sections 299B.01 to 299B.16 or in other law, the board shall:

(a) provide all claimants with an opportunity for hearing pursuant to chapter 15;

(b) establish and maintain a principal office and other necessary offices and appoint employees and agents as necessary and fix their duties;

(c) promulgate within 90 days following the effective date of Laws 1974, Chapter 463 rules to implement sections 299B.01 to 299B.16, including rules governing the method of practice and procedure before the board, prescribing the manner in which applications for reparations shall be made, and providing for discovery proceedings;

(d) publicize widely the availability of reparations and the method of making claims; ~~and~~

(e) prepare and transmit annually to the governor and the legislature a report of its activities including the name of each claimant, a brief description of the facts in each case, the amount of reparation awarded, and a statistical summary of claims and awards made and denied; *and*

(f) prepare and transmit annually to the governor and the legislature a report of its activities with respect to allocation of moneys appropriated to it from the crime victims assistance account, including the name and address of each recipient of money from that account, the amount awarded, and the purpose of the award.

Subd. 2. [POWERS.] In addition to exercising any powers specified elsewhere in sections 299B.01 to 299B.16 or other law, the board upon its own motion or the motion of a claimant or the attorney general may:

(a) issue subpoenas for the appearance of witnesses and the production of books, records, and other documents;

(b) administer oaths and affirmations and cause to be taken affidavits and depositions within and without this state;

(c) take notice of judicially cognizable facts and general, technical, and scientific facts within their specialized knowledge;

(d) order a mental or physical examination of a victim or an autopsy of a deceased victim provided that notice is given to the person to be examined and that the claimant and the attorney general receive copies of any resulting report;

(e) suspend or postpone the proceedings on a claim if a criminal prosecution arising out of the incident which is the basis of the claim has been commenced or is imminent;

(f) request from prosecuting attorneys and law enforcement officers investigations and data to enable the board to perform its duties under sections 299B.01 to 299B.16;

(g) grant emergency reparations pending the final determination of a claim if it 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; ~~and~~

(h) reconsider any decision granting or denying reparations or determining their amount; *and*

(i) make, receive, manage, control, and disburse all moneys in the crime victims assistance account established in section 2.

Sec. 6. Minnesota Statutes 1980, Section 588.01, Subdivision 3, is amended to read:

Subd. 3. [CONSTRUCTIVE.] Constructive contempts are those not committed in the immediate presence of the court, and of which it has no personal knowledge, and may arise from any of the following acts or omissions:

(1) Misbehavior in office, or other wilful neglect or violation of duty, by an attorney, clerk, sheriff, coroner, or other person appointed or elected to perform a judicial or ministerial service;

(2) Deceit or abuse of the process or proceedings of the court by a party to an action or special proceeding;

(3) Disobedience of any lawful judgment, order, or process of the court;

(4) Assuming to be an attorney or other officer of the court, and acting as such without authority;

(5) Rescuing any person or property in the custody of an officer by virtue of an order or process of such court;

(6) Unlawfully detaining a witness or party to an action while going to, remaining at, or returning from the court where the action is to be tried;

(7) Any other unlawful interference with the process or proceedings of a court;

(8) Disobedience of a subpoena duly served, or refusing to be sworn or to answer as a witness;

(9) When summoned as a juror in a court, neglecting to attend or serve as such, improperly conversing with a party to an action to be tried at such court

or with any person relative to the merits of such action, or receiving a communication from a party or other person in reference thereto, and failing to immediately disclose the same to the court;

(10) Disobedience, by an inferior tribunal, magistrate, or officer, of the lawful judgment, order, or process of a superior court, proceeding in an action or special proceeding in any court contrary to law after the same has been removed from its jurisdiction, or disobedience of any lawful order or process of a judicial officer;

(11) Failure or refusal to pay a penalty assessment levied pursuant to section 3.

Sec. 7. [EFFECTIVE DATE.]

Sections 1 to 6 are effective January 1, 1982. Section 1 applies to all violations of Minnesota Statutes, Chapters 168 to 173, or equivalent local traffic ordinances except parking violations committed on or after that date; section 2 applies to all non-traffic petty misdemeanors and criminal offenses committed on or after that date; and section 3 applies to all petty misdemeanors, criminal offenses, and violations of Minnesota Statutes, Chapters 168 to 173, or equivalent local traffic ordinances except parking violations committed on or after that date."

Amend the title as follows:

Page 1, delete lines 2 to 5 and insert:

"relating to penalties for crimes; creating the Minnesota law enforcement training account and the crime victim assistance account; appropriating money; amending Minnesota Statutes 1980, Sections 171.16, Subdivision 3; 299B.06; 588.01, Subdivision 3; proposing new law coded in Minnesota Statutes, Chapter 626."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Johnson from the Committee on Taxes and Tax Laws, to which was re-referred

S. F. No. 167: A bill for an act relating to the city of Moorhead; increasing the amount which the city may expend for public transportation services; amending Laws 1969, Chapter 192, Section 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 17, strike "obligation" and insert " *expenditure*"

Page 1, line 18, strike "under" and delete "*the*" and strike "contract" and insert "*for those purposes*"

Page 1, lines 20 to 22, delete the new language

Page 1, line 23, delete "*273.1103.*"

Page 1, line 25, delete the second "*or*"

Page 2, line 1, delete "*charter*"

And when so amended the bill do pass. Amendments adopted. Report

adopted.

Mr. Johnson from the Committee on Taxes and Tax Laws, to which was referred

S. F. No. 1305: A bill for an act relating to the city of Duluth; providing tax and bond financing for the transit authority; amending Laws 1969, Chapter 720, Section 11, Subdivision 1, as amended; and Section 13.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 24, after the period, insert "*The increase of the levy from 1.5 to 3 mills shall be effective only with the approval of a majority of the voters in the city voting on the question of its approval at a special or regular election.*"

Page 2, line 22, after "*system*" insert "*; provided that this use of the bonding authority shall be subject to the referendum provisions of the home rule charter of the city of Duluth*"

Page 2, line 25, after "*$1,800,000*" insert "*of which no more than $400,000 may be used for the purpose set forth in subdivision 1, clause (e)*"

Page 2, line 32, after the period, insert "*The increase in the maximum amount of bonded debt from $1,400,000 to $1,800,000 shall be subject to the referendum provisions of the home rule charter of the city of Duluth.*"

Page 3, delete lines 4 to 6 and insert "*Subject to the referendum provisions of each section, each shall take effect the*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson from the Committee on Taxes and Tax Laws, to which was referred

S. F. No. 1139: A bill for an act relating to taxation; income; property tax refund; adopting federal income tax limitations on the deduction of interest; authorizing the commissioner to provide a short form income tax return; clarifying the computation of the low income alternative tax; providing for the computation of net operating loss; allowing for disclosures of information between the department of economic security and the commissioner of revenue regarding unemployment compensation; allowing for disclosures of information between the commissioner of revenue and the commissioner of public welfare; allowing the commissioner to obtain information required on returns by court action; allowing the commissioner to designate the places returns may be filed; conforming information return requirements to the federal requirements; requiring certain statements to be furnished to subjects of information returns; providing that payment of taxes of a decedent shall be made by successors in the absence of a personal representative; providing an action to enjoin certain tax return preparers from engaging in certain conduct or from preparing returns; adopting the federal requirements for withholding and reporting on tips; clarifying the liability of employers in regard to withholding tax returns; conforming information requirements of withholding statements to federal law; allowing notification of an employer by the department that a withholding certificate is invalid; providing for verification of withholding exemptions and appeal by the claimant; allowing certain spouses to file a joint

property tax return claim; altering definitions of dependent for property tax return purposes; providing for payment of property tax refund claims in case of death; conforming estimated tax requirements with federal law; altering the computation of the corporate estimated tax; conforming tax exempt provisions with federal law; altering filing requirements for corporations; allowing the commissioner to adjust the computation of federal adjusted gross income in certain circumstances; specifying or increasing interest rates on certain delinquent taxes and penalties; abolishing an election relating to the lump sum distribution tax; providing penalties; amending Minnesota Statutes 1980, Sections 10A.31, Subdivision 1; 268.12, Subdivision 12; 290.05; 290.06, Subdivision 3d; 290.067, Subdivision 2; 290.09, Subdivision 3; 290.095, Subdivisions 1, 9, and by adding a subdivision; 290.37, Subdivision 1; 290.39, Subdivision 1, and by adding a subdivision; 290.41, Subdivision 2, and by adding subdivisions; 290.42; 290.43; 290.44; 290.46; 290.53, Subdivisions 3 and 3a; 290.61; 290.92, Subdivisions 1, 2a, 7, 15, and by adding subdivisions; 290.93, Subdivisions 1, 3 and 10; 290.931, Subdivision 1; 290.934, Subdivisions 4 and 5; 290A.03, Subdivision 7; 290A.07, Subdivision 4; 290A.08; 290A.11, Subdivisions 2 and 4; 290A.18; 290A.22; proposing new law coded in Minnesota Statutes, Chapters 290 and 290A; repealing Minnesota Statutes 1980, Section 290.032, Subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 33, insert:

"Sec. 2. Minnesota Statutes 1980, Section 15.1691, Subdivision 2, is amended to read:

Subd. 2. [GENERAL.] Unless the data is summary data or a statute specifically provides a different classification, data on individuals collected, maintained, used or disseminated by the welfare system is private data on individuals, and shall not be disclosed except:

(a) Pursuant to section 15.163;

(b) Pursuant to a valid court order;

(c) Pursuant to a statute specificially authorizing access to the private data;

(d) To an agent of the welfare system, including appropriate law enforcement personnel, who are acting in the investigation, prosecution, criminal or civil proceeding relating to the administration of a program;

(e) To personnel of the welfare system who require the data to determine eligibility, amount of assistance, and the need to provide services of additional programs to the individual;

(f) To administer federal funds or programs; ~~or~~

(g) Between personnel of the welfare system working in the same program; *or*

(h) Information on the amounts of cash public assistance and relief paid to welfare recipients in this state, which is requested by the department of revenue to administer the property tax refund law, supplemental housing allowance, and the low income alternative tax."

Page 8, line 31, delete "*515*" and insert "*514*"

Page 9, line 2, after "*tax*" insert "*shall be*" and delete "*organizations under clause (a) of*" and insert "*the organization's unrelated business taxable income (as defined in section 512 of the Internal Revenue Code) or on the taxable income of political organizations or homeowner associations. The tax shall be at the corporate rates unless the organization is an estate or a trust, in which case the tax shall be at the rates provided for individuals, estates and trusts. The tax shall only be imposed on income and deductions assignable to this state under sections 290.17 to 290.20. Except for section 290.09, subdivision 29, to the extent deducted in computing federal taxable income, the deductions contained in sections 290.09 and 290.21 shall not be allowed in computing Minnesota taxable net income.*"

Page 9, delete lines 3 to 6

Page 10, line 1, delete "*515*" and insert "*514*"

Page 12, line 22, strike "section" and insert "*sections 290.01, subdivision 20, or*"

Page 13, line 1, after "*1980*" insert "*shall not be allowed as a deduction*"

Page 14, line 2, delete "*(a)*" and insert "*(A)*"

Page 14, line 23, delete "*estates, and trusts*"

Page 14, line 26, after the period, insert "*For estates and trusts the amount of a net operating loss that may be carried back or carried over shall be the same dollar amount allowable in the determination of federal taxable income.*"

Page 15, line 19, after "*income*" insert "*(or federal taxable income for trusts and estates)*"

Page 16, line 23, delete "*would be*" and insert "*is*"

Page 17, after line 8, insert:

"Sec. 11. Minnesota Statutes 1980, Section 290.14, is amended to read:

290.14 [GAIN OR LOSS ON DISPOSITION OF PROPERTY, BASIS.]

The basis for determining the gain or loss from the sale or other disposition of property acquired on or after January 1, 1933, shall be the cost to the taxpayer of such property, with the following exceptions:

(1) If the property should have been included in the last inventory, it shall be the last inventory value thereof;

(2) If the property was acquired by gift, it shall be the same as it would be if it were being sold or otherwise disposed of by the last preceding owner not acquiring it by gift; if the facts required for this determination cannot be ascertained, it shall be the fair market value as of the date, or approximate date, of acquisition by the last preceding owner, as nearly as the requisite facts can be ascertained by the commissioner;

(3) If the property was acquired by gift through an inter vivos transfer in trust, it shall be the same as it would be if it were being sold or otherwise disposed of by the grantor;

(4) Except as otherwise provided in this clause, the basis of property in the

hands of a person acquiring the property from a decedent or to whom the property passed from a decedent shall, if not sold, exchanged or otherwise disposed of before the decedent's death by the person, be the fair market value of the property at the date of decedent's death *or, in the case of an election under section 2032 (relating to alternate valuation) of the Internal Revenue Code of 1954, as amended through December 31, 1980, its valuation at the applicable valuation date prescribed by that section, or in the case of an election under section 2032A (relating to valuation of farm real property) of the Internal Revenue Code of 1954, as amended through December 31, 1980, its value determined by that section.*

For the purposes of the preceding paragraph, the following property shall be considered to have been acquired from or to have passed from the decedent:

(a) Property acquired by bequest, devise, or inheritance, or by the decedent's estate from the decedent;

(b) Property transferred by the decedent during his lifetime in trust to pay the income for life to or on the order or direction of the decedent, with the right reserved to the decedent at all times before his death to revoke the trust;

(c) Property transferred by the decedent during his lifetime in trust to pay the income for life to or on the order or direction of the decedent with the right reserved to the decedent at all times before his death to make any change in the enjoyment thereof through the exercise of a power to alter, amend, or terminate the trust;

(d) Property passing without full and adequate consideration under a general power of appointment exercised by the decedent by will;

(e) In the case of a decedent's dying after December 31, 1956, property acquired from the decedent by reason of death, form of ownership, or other conditions (including property acquired through the exercise or non-exercise of a power of appointment), if by reason thereof the property is required to be included in determining the value of the decedent's gross estate for Minnesota inheritance or estate tax purposes. In this case, if the property is acquired before the death of the decedent, the basis shall be the amount determined under the first paragraph of this clause reduced by the amount allowed to the taxpayer as deductions in computing taxable net income under this chapter or prior Minnesota income tax laws for exhaustion, wear and tear, obsolescence, amortization, and depletion on the property before the death of the decedent. The basis shall be applicable to the property commencing on the death of the decedent. This paragraph shall not apply to annuities described in section 290.08; and property described in paragraphs (a), (b), (c) and (d) of this clause.

This clause shall not apply to property which constitutes a right to receive an item of income in respect of a decedent under section 290.077. Nor shall it apply to restricted stock options described in section 290.078 which the employee has not exercised at death.

(5) If the property was acquired after December 31, 1932, upon an exchange described in section 290.13, subdivision 1, the basis shall be the same as in the case of the property exchanged, decreased in the amount of any money received by the taxpayer and increased in the amount of gain or decreased in the amount of loss to the taxpayer that was recognized upon the exchange under the law applicable to the year in which the exchange was made. If the property so

acquired consisted in part of the type of property permitted by section 290.13, subdivision 1, to be received without the recognition of gain or loss, and in part of other property, the basis provided in this clause shall be allocated between the properties, other than money, received, and for the purpose of the allocation there shall be assigned to the other property an amount equivalent to its fair market value at the date of the exchange. This clause shall not apply to property acquired by a corporation by the issuance of its stock or securities as the consideration, in whole or in part, for the transfer of the property to it;

(6) If substantially identical property was acquired in the place of stocks or securities which were sold or disposed of and in respect of which loss was not allowed as a deduction under section 290.09, subdivision 5, the basis in the case of property so acquired shall be the same as in the case of the stock or securities so sold or disposed of, increased by the excess of the repurchase price of the property over the sale price of the stock or securities, or decreased by the excess of the sale price of the stock or securities over the repurchase price of the property;

(7) If the property was acquired after December 31, 1932, as the result of a compulsory or involuntary conversion described in section 290.13, subdivision 5, the basis shall be the same as in the case of the property so converted, decreased in the amount of any money received by the taxpayer which was not expended in accordance with the provisions of law applicable to the year in which conversion was made, determining the taxable status of the gain or loss upon conversion, and increased in the amount of gain or decreased in the amount of loss to the taxpayer recognized upon conversion under the law applicable to the year in which conversion was made.

(8) Neither the basis nor the adjusted basis of any portion of real property shall, in the case of a lessor of the property, be increased or diminished on account of income derived by the lessor in respect of the property and excludable from gross income under section 290.08, subdivision 14.

If an amount representing any part of the value of real property attributable to buildings erected or other improvements made by a lessee in respect of the property was included in gross income of the lessor for any taxable year beginning before January 1, 1943, the basis of each portion of the property shall be properly adjusted for the amount included in gross income.

(9) If the property was acquired by the taxpayer as a transfer of property in exchange for the release of the taxpayer's marital rights, the basis of the property shall be the same as it would be if it were being sold or otherwise disposed of by the person who transferred the property to the taxpayer.

(10) The basis of property subject to the provisions of section 1034 of the Internal Revenue Code of 1954, as amended through December 31, 1979 (relating to the rollover of gain on sale of principal residence) shall be the same as the basis for federal income tax purposes. The basis shall be increased by the amount of gain realized on the sale of a principal residence outside of Minnesota, while a nonresident of this state, which gain was not recognized because of the provisions of section 1034."

Page 18, after line 33, insert:

"Sec. 14. Minnesota Statutes 1980, Section 290.39, Subdivision 2, is amended to read:

Subd. 2. [~~SINGLE FORM FOR SEPARATE RETURNS~~ *SEPARATE COMPUTATIONS ON A SINGLE RETURN.*] Notwithstanding the provisions of section 290.61, a husband and wife may elect to ~~file separate~~ *compute their* Minnesota income tax ~~returns~~ *separately* on a single ~~form~~ *return,* in which event:

(a) if the sum of the payments by either spouse, including withheld and estimated taxes, exceeds the amount of tax ~~for which~~ *of* such spouse ~~is separately liable~~ *as computed separately*, the excess may be applied by the commissioner to the credit of the other spouse if the sum of the payments by such other spouse, including withheld and estimated taxes, is less than the amount of the tax ~~for which~~ *of* such other spouse ~~is separately liable~~ *as computed separately*;

(b) if the sum of the payments made by both spouses with respect to the taxes ~~for which they are separately liable~~ *of both as computed separately*, including withheld and estimated taxes, exceeds the total of the taxes due, refund of the excess may be made payable to both spouses or may be credited against any liability in respect of Minnesota income tax on the part of either spouse;

(c) *if the sum of the payments made by both spouses with respect to the taxes of both as computed separately, including withheld and estimated taxes, is less than the total of the taxes due, the liability for the unpaid tax shall be joint and several; provided that a spouse may be relieved of liability in those cases contained in section 6013(e) of the Internal Revenue Code of 1954 as amended through December 31, 1980 (for purposes of computing the 25 percent test contained in that section, the amount of gross income stated in the return shall include the total gross income of both spouses);*

(d) if the standard deduction provided for by section 290.09, subdivision 15, is not utilized, then the total of the Minnesota itemized deductions of a husband and wife may be taken by either or divided between them as they elect."

Page 18, line 36, after "*may*" delete ", *in his discretion,*"

Page 19, line 4, after the period, insert "*The political checkoff provided in section 10A.31 shall be included in the short form.*"

Page 20, line 27, delete "*(a)*"

Page 20, line 29, after "*failure*" insert "*occurring in the first calendar year when the payer fails to file a return. In each later calendar year when the payer fails to file a return, the amount of the penalty for each failure shall be double the amount charged the payer as the penalty for each failure in the last preceding year when the payer was assessed such a penalty*"

Page 20, line 32, delete ", *and*" and insert a period

Page 20, delete lines 33 to 36

Page 21, delete line 1

Page 25, line 12, after "*income*" insert "*(or federal taxable income for estates or trusts)*"

Page 25, line 16, after "*income*" insert "*(or federal taxable income for estates or trusts)*"

Page 26, line 33, after the period, insert "*The commissioner may disclose*

information concerning the taxpayer to the Minnesota department of public welfare for purposes of auditing welfare benefits."

Page 26, line 35, after "*security*" insert "*or the department of public welfare*"

Page 28, line 16, strike "all remuneration, other"

Page 28, strike lines 17 to 36

Page 29, strike lines 1 to 32

Page 29, delete lines 33 to 36

Page 30, delete lines 1 to 6 and insert "*the same as that term is defined in section 3401(a) and (f) of the Internal Revenue Code of 1954, as amended through December 31, 1980.*"

Page 33, line 29, after "*Code*" delete "*to*"

Page 33, line 30, delete "*which paragraph (h) of*" and insert "*of 1954 as amended through December 31, 1980, to which*"

Page 34, after line 5, insert:

"Sec. 28. Minnesota Statutes 1980, Section 290.92, is amended by adding a subdivision to read:

Subd. 5a. [VERIFICATION OF WITHHOLDING EXEMPTIONS; APPEAL.] *(1) An employer shall submit to the commissioner a copy of any withholding exemption certificate received from an employee on which the employee claims any of the following:*

(a) a total number of withholding exemptions in excess of nine, or

(b) a status that would exempt the employee from Minnesota withholding, unless the employee is a nonresident exempt from withholding under subdivision 4a, clause (3), or the employer reasonably expects, at the time that the certificate is received, that the employee's wages under subdivision 1 from the employer will not then usually exceed $200 per week, or

(c) any number of withholding exemptions which the employer has reason to believe is in excess of the number to which the employee is entitled.

(2) Copies of exemption certificates required to be submitted by clause (1) shall be submitted to the commissioner within 30 days after receipt by the employer unless the employer is also required by federal law to submit copies to the Internal Revenue Service, in which case the employer may elect to submit the copies to the commissioner at the same time that he is required to submit them to the Internal Revenue Service.

(3) An employer who submits a copy of a withholding exemption certificate in accordance with clause (1) shall honor the certificate until notified by the commissioner that the certificate is invalid. The commissioner shall mail a copy of any such notice to the employee. Upon notification that a particular certificate is invalid, the employer shall not honor that certificate or any subsequent certificate unless instructed to do so by the commissioner. The employer shall allow the employee the number of exemptions and compute the withholding tax as instructed by the commissioner in accordance with clause (4).

(4) The commissioner may require an employee to verify that he or she is entitled to the number of exemptions or to the exempt status claimed on the withholding exemption certificate or, that he or she is a nonresident. The employee shall be allowed at least 30 days to submit the verification, after which time the commissioner shall, on the basis of the best information available to him, determine the employee's status and allow the employee the maximum number of withholding exemptions allowable under this chapter. The commissioner shall mail a notice of this determination to the employee at the address listed on the exemption certificate in question. Notwithstanding the provisions of section 290.61, the commissioner may notify the employer of this determination and instruct the employer to withhold tax in accordance with the determination.

(5) The commissioner's determination under clause (4) shall be appealable to tax court in accordance with section 271.06, and shall remain in effect for withholding tax purposes pending disposition of any appeal."

Page 38, line 26, delete "*27*" and insert "*28*"

Pages 38 to 40, delete section 27

Page 42, line 12, strike "whichever" and insert "*the amount which would have been required to be paid on or before that date if the estimated tax were the lesser*" and strike "is the lesser" and insert a colon

Page 43, line 31, delete "*(a)*"

Page 44, delete lines 12 to 26

Page 45, line 16, delete "*36*" and insert "*39*"

Page 45, line 17, delete "*37*" and insert "*40*"

Page 46, line 1, delete "*37*" and insert "*40*"

Page 46, line 27, delete "*35*" and insert "*38*"

Page 47, line 10, delete "*35*" and insert "*38*"

Page 47, line 32, delete "*Except as otherwise provided in subdivision 4,*"

Page 48, delete section 39 and insert:

"Sec. 42. Minnesota Statutes 1980, Section 290A.07, Subdivision 2, is amended to read:

Subd. 2. A claimant who is a renter or who had attained the age of 65 or had been disabled prior to June 1 of the year following the year for which the taxes were levied or in which the rent was paid shall receive full payment no later than 60 days after receipt of the application or may elect to take as a credit against his income tax the full amount. *Interest shall be added at six percent per annum beginning 30 days after the 60 days have elapsed and until the date the claim is paid. If the claimant elected to take the credit against the income tax, interest shall be paid as required under section 290.92, subdivision 13.*

Sec. 43. Minnesota Statutes 1980, Section 290A.07, Subdivision 3, is amended to read:

Subd. 3. Any claimant not included in subdivision 2 shall receive full payment after September 30 and prior to October 15. *Interest shall be added at*

six percent per annum from October 15 or 60 days after receipt of the application if the application is filed after August 31. Interest will be computed until the date the claim is paid."

Pages 49 and 50, delete sections 43 and 44

Page 52, line 13, delete "*Except as*"

Page 52, line 14, delete "*otherwise provided in subdivision 4,*"

Page 52, delete lines 18 to 27

Page 52, delete section 47

Page 53, line 2, before "*Minnesota*" insert "*Subdivision 1.*"

Page 53, after line 3, insert:

"*Subd. 2. Minnesota Statutes 1980, Section 290A.07, Subdivision 4, is repealed.*"

Page 53, delete line 5 and insert "*Sections 1, 2, 3, 10, 13, 20, 22, 23, 24, 25, 31, 33, 35, 38,*"

Page 53, line 6, delete "*36, 39, 44, 45, and 47*" and insert "*39 and 47*"

Page 53, delete line 7 and insert "*enactment. Sections 5, 6, 7, 8, 9, 12, 14, 15, 16, 17, 18, 19, 21,*"

Page 53, line 8, delete "*25, 37, and 48*" and insert "*29, 40, and 49, subdivision 1*"

Page 53, line 9, delete "*3*" and insert "*4*"

Page 53, line 11, delete "*3*" and insert "*4*" and after the period, insert "*Section 11 is effective for estates of decedents dying after December 31, 1979.*"

Page 53, line 12, delete "*23, 24, 26, and 27*" and insert "*26, 27, 28, and 30*"

Page 53, line 13, delete "*29 and 31*" and insert "*32 and 34*"

Page 53, line 14, delete "*33 and 34*" and insert "*36 and 37*"

Page 53, line 15, delete "*40, 42, and 43*" and insert "*44 and 46*"

Page 53, line 18, delete "*38 and 46*" and insert "*41, 42, 43, 48, and 49, subdivision 2*"

Page 53, line 21, delete "*41*" and insert "*45*"

Page 53, line 24, delete "*41*" and insert "*45*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 33, delete "altering definitions of dependent for"

Page 1, delete lines 34 and 35

Page 1, line 45, after "tax;" insert "providing for the computation of basis; providing for the liability of taxes due on a combined return; clarifying property tax refund interest provisions;"

Page 2, line 1, after "1;" insert "15.1691, Subdivision 2;"

Page 2, line 4, after "subdivision;" insert "290.14;"

Page 2, line 5, delete "Subdivision 1" and insert "Subdivisions 1 and 2"

Page 2, line 11, delete "Subdivision 4" and insert "Subdivisions 2 and 3"

Page 2, line 12, delete "290A.18;"

Page 2, line 13, delete "290A.22;"

Page 2, line 15, delete "Section" and insert "Sections" and after "4" insert "; and 290A.07, Subdivision 4"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Knoll from the Committee on Governmental Operations, to which was referred

S. F. No. 429: A bill for an act relating to public safety; regulating boilers, other apparatus and their operators; providing penalties; amending Minnesota Statutes 1980, Sections 183.375, Subdivision 2; 183.38; 183.39, Subdivision 1; 183.41, Subdivision 2; 183.411, Subdivision 2; 183.42; 183.44; 183.45; 183.46; 183.465; 183.48; 183.50; 183.51; 183.52; 183.53; 183.54; 183.545; 183.56; 183.57; 183.59; 183.60; 183.61; 183.62; and proposing new law coded in Minnesota Statutes, Chapter 183; repealing Minnesota Statutes 1980, Section 183.39, Subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 28, delete "*high pressure*"

Page 2, line 31, delete "*issued by the national board of*"

Page 2, line 32, delete "*boiler and pressure vessels inspectors*"

Page 6, line 23, after "*time*" insert "*not to exceed 30 days*"

Page 6, line 27, strike "STEAM"

Page 7, line 4, before "*No*" insert "*(a)*"

Page 7, after line 11, insert:

"*(b) For purposes of this chapter, "operation" shall not include monitoring of an automatic boiler, either through on premises inspection of the boiler or by remote electronic surveillance, provided that no operations are performed upon the boiler other than emergency shut down in alarm situations.*"

Page 7, line 17, delete "*An engineer so licensed*"

Page 7, delete lines 18 to 26

Page 7, line 32, reinstate the stricken language and delete the new language

Page 7, line 33, delete the new language

Page 7, lines 34 to 36, reinstate the stricken language and delete the new language

Page 8, line 18, strike "HIGH PRESSURE" and insert "*GRADE A*"

Page 8, line 19, reinstate the stricken "Grade A" and delete the new language

Page 8, line 23, before "engines" reinstate the stricken "steam"

Page 8, line 28, strike "LOW PRESSURE" and insert "*GRADE B*"

Page 8, line 28, reinstate "Chief engineer,"

Page 8, line 29, reinstate "Grade B, shall be" and reinstate the second "of"

Page 8, line 29, after the stricken "such" insert "*the*" and reinstate "habits"

Page 8, reinstate line 30 and strike "such" and insert "*the*"

Page 8, reinstate line 31, and after "charge of" insert " *and be responsible for the safe operation and maintenance of*"

Page 8, line 31, strike "steam" and after "boilers" strike the comma and insert "*and their appurtenances;*" and after "and" at the end of the line, insert a comma

Page 8, reinstate lines 32 to 34

Page 8, lines 30, 32, and 33, after "he" insert "*or she*"

Page 8, line 34, strike "such" and insert "*those*"

Page 8, line 35, reinstate the stricken "Subd. 6." and after "6." insert "[CHIEF ENGINEER, GRADE C.]"

Page 8, line 35, reinstate the stricken "Grade C" and delete the new language

Page 9, line 7, reinstate the stricken "7" and delete "*6*"

Page 9, line 7, strike "HIGH PRESSURE" and insert "*GRADE A*"

Page 9, line 8, reinstate the stricken "grade A" and delete the new language

Page 9, lines 19 to 25, reinstate the stricken language

Page 9, line 19, after "8." insert "[FIRST CLASS ENGINEER, GRADE B.]"

Page 9, lines 21, 23 and 24, after "he" insert "*or she*"

Page 9, line 22, after "charge" insert "*and be responsible for the safe operation and maintenance*"

Page 9, line 22, strike "steam"

Page 9, line 23, after "horsepower" insert "*or to operate as a shift engineer in a plant of unlimited horsepower*"

Page 9, line 26, reinstate the stricken "9" and delete "*7*" and strike "LOW PRESSURE" and insert "*GRADE C*"

Page 9, line 27, reinstate the stricken "Grade C" and delete the new language

Page 9, line 30, before "*plant*" insert "*low pressure*"

Page 10, line 2, reinstate the stricken "10" and delete "*8*" and strike

"HIGH PRESSURE" and insert "*GRADE A*"

Page 10, line 3, reinstate the stricken "Grade A" and delete the new language

Page 10, lines 15 to 21, reinstate the stricken language

Page 10, line 15, after "11." insert "[SECOND CLASS ENGINEER, GRADE B.]"

Page 10, lines 17, 19 and 20, after "he" insert "*or she*"

Page 10, line 18, after "charge" insert "*and be responsible for the safe operation and maintenance*"

Page 10, line 18, strike "steam"

Page 10, line 19, after "horsepower" insert "*or to operate as a shift engineer in a plant of not more than 300 horsepower or to assist under his direct supervision the shift engineer in a plant of unlimited horsepower*"

Page 10, line 22, reinstate the stricken "12" and delete " *9*" and strike "LOW PRESSURE" and insert "*GRADE C*"

Page 10, line 23, reinstate the stricken "Grade C" and delete the new language

Page 10, line 35, reinstate the stricken "13" and delete " *10*"

Page 11, line 15, delete "*11*" and insert "*14*"

Page 12, line 13, delete "*12*" and insert "*15*"

Page 17, line 7, delete "*with no limit on pressure*" and insert "*or a length not exceeding 36 inches*"

Page 17, line 20, delete "*and*"

Page 17, line 24, after the final period insert a semicolon

Page 17, after line 24, insert:

"*(15) Laundry and dry cleaning presser not exceeding five cubic feet of steam volume; and*

(16) Unfired pressure vessels in petroleum refineries."

Page 17, line 32, delete "*100*" and insert "*50*" and before " *kilowatt*" delete "*50*" and insert "*30*"

Page 17, line 32, delete "*five*" and insert "*three*"

Amend the title as follows:

Page 1, line 6, delete "183.411, Subdivision 2" and insert "183.411, Subdivision 3"

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. 751: A bill for an act relating to open space and recreation; providing for costs of acquisition and betterment of regional recreation open space lands by the metropolitan council and metropolitan area local governmental units; authorizing issuance of state bonds; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, delete "*$1,000*" and insert "*$40,500,000*"

Page 1, line 19, delete "*$.....*" and insert " *$20,000,000*"

Page 2, line 1, after "*of*" insert "*regional*"

Page 2, line 6, delete "*$1,000*" and insert "*$400,000*"

Page 2, after line 9, insert:

"Sec. 3. [DEPARTMENT OF NATURAL RESOURCES; APPROPRIATION FOR ACQUISITION AND DEVELOPMENT.]

The following sums are appropriated from the state building fund to the commissioner of natural resources to acquire and better public outdoor recreation lands and capital improvements:

(1) For acquisition of state parks and recreation areas, as listed and described in Minnesota Statutes, Sections 85.012 and 85.013	*$ 750,000*
(2) For betterment of state parks and recreation areas, as listed and described in Minnesota Statutes, Sections 85.012 and 85.013	*2,434,800*
(3) For acquisition of state trails listed and described in Minnesota Statutes, Section 85.015, and pursuant to Minnesota Statutes, Section 84.029, Subdivision 2	*90,000*
(4) For betterment of state trails	*3,870,800*
(5) For acquisition of Minnesota valley trail described in Minnesota Statutes, Section 85.021	*200,000*
(6) For acquisition of state forests listed and described in Minnesota Statutes, Section 89.021	*200,000*
(7) For betterment of state forest roads and bridges	*2,000,000*
(8) For betterment of state forest recreation areas	*182,000*
(9) For acquisition of fishing management lands including riparian rights and other interests therein needed for management of waters for primary wildlife use and benefit and for access to fishing waters pursuant to Minnesota Statutes, Section 97.48, Subdivisions 8, 11 and 15	*500,000*
(10) For acquisition of wildlife management areas pursuant to Minnesota Statutes, Sections 97.48, Subdivision 13, and 97.481, and wetlands under the water bank program pursuant to Minnesota Statutes, Section 105.392	*5,000,000*
(11) For betterment of wildlife management areas, acquired pursuant to Minnesota Statutes, Sections 97.48, Subdivision 13, and 97.481	*500,000*
(12) For acquisition of natural and scientific areas designated pursuant to Minnesota Statutes, Section 84.033	*400,000*
(13) For acquisition of wild, scenic, and recreational rivers, designated pursuant to sections 104.25 to 104.40, and canoe and boating routes, portages, and camp sites, as listed and described in Minnesota Statutes, Section 85.32	*500,000*

(14) For betterment of canoe and boating routes, portages, and camp sites as listed and described in Minnesota Statutes, Section 85.32	*37,000*
(15) For acquisition of lands to provide public access to public waters	*650,000*
(16) For betterment of such public accesses to public waters	*1,089,000*
(17) For independent professional services necessary for the acquisition and betterment of the lands and improvements described above. From this appropriation the commissioner may employ not to exceed 33 persons in the unclassified civil service who are in addition to the complement otherwise authorized by law for the department	*2,096,400.*

Sec. 4. [LAND ACQUISITION.]

Lands shall be acquired by the commissioner of administration upon request of the commissioner of natural resources and in accordance with the policies established in Minnesota Statutes, Sections 86A.01 to 86A.09. Those acquired for each unit of the outdoor recreation system shall be suited for the purpose of that unit and suited for management in accordance with the principles applicable to it. The commissioner of natural resources shall submit semiannual work progress reports to the legislative commission on Minnesota resources, in the form requested by the commission, and shall submit a work program to the commission and request its recommendation thereon before expending any funds appropriated by section 3 for any purpose. The commission's recommendation shall be advisory only. Failure to respond to a request within 60 days after receipt shall be deemed a negative recommendation.

Sec. 5. Laws 1979, Chapter 301, Section 6, Subdivision 1, is amended to read:

Sec. 6. [GRANTS FOR PARKS AND TRAILS.] Subdivision 1. The state planning agency shall administer a program to provide grants to units of government located within standard metropolitan statistical areas, as designated by the United States office of management and budget, but outside of the metropolitan area defined in *Minnesota Statutes*, Section 473.121. The grants shall be for acquisition and betterment by units of government of public land and improvements needed for parks, trails, conservatories, zoos and other special use facilities having recreational significance for the entire population of the particular standard metropolitan statistical area. Appropriations made for this purpose shall be expended with the approval of the governor after consultation with the legislative advisory commission. The legislative commission on Minnesota resources shall make recommendations to the legislative advisory commission regarding the expenditures. The local contribution required shall be *not less then ten percent* ~~identical to that required by the legislative commission on Minnesota resources for grants-in-aid for recreation open space of regional signficance~~. The program shall be administered so as to ensure the maximum possible use of available federal money."

Amend the title as follows:

Page 1, line 2, delete "providing for"

Page 1, delete lines 3 to 7 and insert:

"authorizing the issuance of state bonds and expenditure of the proceeds for the acquisition and betterment of regional recreation open space lands by the

metropolitan council and metropolitan area local governmental units and for the acquisition and betterment of state parks, trails, forests, fish and wildlife management, scientific and natural areas, water accesses, wild, scenic and recreational rivers, and canoe and boating routes by the commissioner of natural resources; appropriating money; amending Laws 1979, Chapter 301, Section 6, Subdivision 1."

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. 1187: A bill for an act relating to game and fish; increasing and making permanent a surcharge on small game licenses for wildlife land acquisition; amending Minnesota Statutes 1980, Section 97.482, Subdivision 1; repealing Laws 1961, Chapter 66, Section 1, as amended.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 19, insert:

"Sec. 2. [EFFECTIVENESS OF SECTIONS.]

Notwithstanding any other law, Minnesota Statutes, Sections 97.481 to 97.484 shall continue to be effective until repealed."

Renumber the sections in sequence

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 984: A bill for an act relating to game and fish; increasing game and fish licenses and other fees; amending Minnesota Statutes 1980, Sections 98.46, Subdivisions 2, 2a, 3, 4, 5, 5a, 6, 7, 8, 9, 9a, 10, 11, 12, 14, 15, 16, 17, 18, and 19; 99.28, Subdivision 5; 100.35, Subdivisions 1 and 5; and 101.44.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 9, insert:

"Section 1. Minnesota Statutes 1980, Section 97.40, Subdivision 21, is amended to read:

Subd. 21. "Resident" means any citizen of the United States *or resident alien* who has maintained a legal residence in the state of Minnesota for a period of 60 days immediately preceding the date of application for license, a domestic corporation, or a foreign corporation authorized to do business in the state which has conducted the business licensed at an established place within the state for a period of at least ten years.

Sec. 2. Minnesota Statutes 1980, Section 98.45, Subdivision 6, is amended to read:

Subd. 6. ~~An alien spouse or~~ A nonresident child under the age of 21 of a resident of this state may take, buy, sell, transport, or possess wild animals as a resident. ~~Any other alien who has made a declaration of intention to become a citizen of the United States in accordance with the statutes of the United States~~

~~relating to the naturalization of aliens, and who is qualified as a resident of the state except for citizenship, may take, buy, sell, transport, or possess wild animals as a resident.~~"

Page 1, lines 16, 18, and 24, delete "*$13*" and insert "*$14*"

Page 2, line 4, strike "by March 1, 1978. The"

Page 2, line 5, strike "licenses shall be issued"

Page 2, after line 17, insert:

"Sec. 5. Minnesota Statutes 1980, Section 98.46, is amended by adding a subdivision to read:

Subd. 2b. The commissioner of natural resources, in commemoration of the fiftieth year of the department, shall issue Minnesota golden licenses by March 1, 1982. The license shall be issued to residents only. The fee for the license shall be $100 and shall authorize the licensee to:

(1) Take small game;

(2) Take fish by angling;

(3) Spear fish from a dark house;

(4) Trap fur bearing animals, except beaver;

(5) Take deer or bear or both with firearms;

(6) Take deer or bear or both with bow and arrow;

(7) Take bear.

The license shall be issued in distinctive format on durable, gold colored material."

Page 3, line 4, strike "$50" and insert "*$75*"

Page 3, strike line 26

Page 3, line 27, strike "(7)" and insert "*(6)*"

Page 3, line 29, strike "(8)" and insert "*(7)*"

Page 3, line 31, strike "(9)" and insert "*(8)*"

Page 3, line 32, strike "(10)" and insert "*(9)*"

Page 3, line 35, strike "(11)" and insert "*(10)*"

Page 5, line 4, delete "*$1.50*" and insert "*$3*"

Page 5, line 11, strike "set lines, or" and after "seines" strike the comma

Page 5, line 18, strike the old language and delete the new language

Page 5, line 19, strike "(3)" and insert "*(2)*"

Page 7, strike lines 15 to 17

Page 8, line 19, delete "*$75*" and insert "*$100*"

Page 8, line 30, strike "three" and insert "*seven*"

Page 8, line 30, delete "*$6.50*" and insert "*$10.50*"

Page 8, after line 30, insert:

"*(3) An individual license to take fish by angling for one day, $5;*"

Page 8, line 31, strike "(3)" and insert "*(4)*"

Page 8, line 33, strike "(4)" and insert "*(5)*"

Page 12, delete section 21

Page 13, line 19, strike "resident" and insert "*residents*"

Page 13, after line 22, insert:

"Sec. 27. [97.4842] [TROUT STAMP.]

Subdivision 1. [STAMP REQUIRED.] *No person over the age of 18 and under the age of 65 years who is otherwise required to possess a Minnesota fishing license shall take trout by angling in any trout stream within this state without first purchasing a stamp and having the stamp in his possession while angling for trout in any trout stream. Each stamp shall be validated by the signature of the licensee written across its face. The commissioner shall determine the form of the stamp and shall furnish and distribute stamps to county auditors for sale by them and their authorized subagents as prescribed by order of the commissioner. The commissioner shall encourage the purchase of stamps by any persons who are interested in the improvement of trout streams.*

Subd. 2. [FEE.] *A stamp shall be issued to each fishing license applicant or other person interested in improvement of trout streams upon the payment of a fee of $3. Stamps shall be issued annually and shall be valid from March 1 through the last day of the following February.*

Subd. 3. [USE OF REVENUE.] *The commissioner shall approve projects for the following purposes:*

(a) Development, restoration, maintenance or preservation of trout streams; and

(b) Necessary related administrative costs in an amount not to exceed ten percent of the annual deposits into the game and fish fund attributable to the sale of stamps.

Sec. 28. [LICENSE CONSOLIDATION.]

The commissioner shall develop a proposal for the consolidation or elimination wherever possible of game and fish licenses issued under Minnesota Statutes, Chapter 98. The commissioner shall submit this proposal to the appropriate policy committees in both houses of the legislature by February 1, 1982.

Sec. 29. [REPEALER.]

Minnesota Statutes 1980, Section 99.28, Subdivision 5, is repealed."

Page 13, line 24, delete "*This act is*" and insert "*Sections 3 to 27 and 29 are*"

Page 13, line 25, after the period, insert "*Sections 1, 2 and 28 are effective the day following final enactment.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "including resident alien in the

definition of resident for purposes of game and fish licenses; requiring the commissioner of natural resources to submit a license consolidation and elmination proposal to the legislature;''

Page 1, line 4, after ''Sections'' insert ''97.40, Subdivision 21; 98.45, Subdivision 6;''

Page 1, line 6, after ''19'' insert '', and by adding a subdivision''

Page 1, line 6, delete ''99.28, Subdivision 5;''

Page 1, line 7, before the period, insert ''; repealing Minnesota Statutes 1980, Section 99.28, Subdivision 5; proposing new law coded in Minnesota Statutes, Chapter 97''

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Veterans' Affairs, to which was referred

House Concurrent Resolution No. 1: A House concurrent resolution expressing the appreciation of Minnesotans in this day of renewed patriotism to all Vietnam War veterans for their services to the people of the State of Minnesota; and encouraging local demonstrations to engender proper recognition of Vietnam veterans.

Reports the same back with the recommendation that the resolution be adopted. Report adopted.

Mr. Schmitz moved that House Concurrent Resolution No. 1 be laid on the table. The motion prevailed.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which were referred

H. F. Nos. 1088 and 976 for comparison with companion Senate Files, reports the following House Files were found not identical with their companion Senate Files 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.
1088	942				
976	981				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 1088 be amended as follows:

Page 1, line 20, delete ''*filed*'' and insert ''*maintained*''

Page 1, line 20, delete ''*with the*'' and insert a period

Page 1, delete lines 21 to 23

Amend the title as follows:

Page 1, lines 4 and 5, delete ''providing for filing certain documents with the Minnesota historical society;''

And when so amended H. F. No. 1088 will be identical to S. F. No. 942, and further recommends that H. F. No. 1088 be given its second reading and

substituted for S. F. No. 942, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 976 be amended as follows:

Page 4, line 12, delete "*, employer*" and delete "*additional*"

And when so amended H. F. No. 976 will be identical to S. F. No. 981, and further recommends that H. F. No. 976 be given its second reading and substituted for S. F. No. 981, 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. 536 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.
536	712				

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.

SECOND READING OF SENATE BILLS

S. F. Nos. 1204, 950, 1277, 831, 1293, 167, 1305, 1139, 429, 1187 and 984 were read the second time.

SECOND READING OF HOUSE BILLS

H. F. Nos. 591, 1304, 1088, 976 and 536 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Rued moved that the name of Mr. Merriam be added as co-author to S. F. No. 680. The motion prevailed.

Mr. Langseth moved that the name of Mr. Setzepfandt be added as co-author to S. F. No. 1199. The motion prevailed.

Mr. Luther moved that the name of Mr. Dahl be added as co-author to S. F. No. 1313. The motion prevailed.

Mr. Schmitz moved that House Concurrent Resolution No. 1 be taken from the table. The motion prevailed.

House Concurrent Resolution No. 1: A House concurrent resolution ex-

pressing the appreciation of Minnesotans in this day of renewed patriotism to all Vietnam War veterans for their services to the people of the State of Minnesota; and encouraging local demonstrations to engender proper recognition of Vietnam veterans.

Mr. Schmitz moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Mr. Solon moved that H. F. No. 1080 be withdrawn from the Committee on Health, Welfare and Corrections and re-referred to the Committee on Rules and Administration for comparison with S. F. No. 993, now on General Orders. The motion prevailed.

Mr. Peterson, R.W., for Mr. Davies, moved that S. F. No. 302, No. 7 on General Orders, be stricken and returned to the Committee on Judiciary. The motion prevailed.

CALENDAR

H. F. No. 1269: A bill for an act relating to energy; providing for the confidentiality of certain energy data; changing the duties of Minnesota energy agency; subdivision regulations; providing for certain inspections; extending biomass plan deadline; amending Minnesota Statutes 1980, Sections 116H.08; 116H.12, Subdivision 3a, and by adding a subdivision; 116H.129, Subdivision 4; 116H.19, Subdivision 1; 462.358, Subdivision 2a; proposing new law coded in Minnesota Statutes, Chapter 15.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Langseth	Penny	Spear
Belanger	Engler	Lantry	Peterson,C.C.	Stern
Benson	Frank	Lessard	Peterson,R.W.	Stokowski
Berg	Frederickson	Lindgren	Petty	Stumpf
Berglin	Hanson	Luther	Pillsbury	Taylor
Bernhagen	Hughes	Menning	Purfeerst	Tennessen
Bertram	Humphrey	Merriam	Ramstad	Ulland
Brataas	Johnson	Moe, D. M.	Renneke	Vega
Chmielewski	Knoll	Moe, R. D.	Rued	Waldorf
Dahl	Knutson	Nelson	Schmitz	Willet
Davies	Kroening	Olhoft	Setzepfandt	
Davis	Kronebusch	Pehler	Sikorski	

So the bill passed and its title was agreed to.

CONSENT CALENDAR

H. F. No. 420: A bill for an act relating to the bureau of criminal apprehension; including the superintendent within workers' compensation coverage; amending Minnesota Statutes 1980, Section 299C.19.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Davis	Kronebusch	Pehler	Sikorski
Bang	Dieterich	Langseth	Penny	Spear
Belanger	Engler	Lantry	Peterson,C.C.	Stern
Benson	Frank	Lessard	Peterson,R.W.	Stokowski
Berg	Frederickson	Lindgren	Petty	Stumpf
Berglin	Hanson	Luther	Pillsbury	Taylor
Bernhagen	Hughes	Menning	Purfeerst	Tennessen
Bertram	Humphrey	Merriam	Ramstad	Ulland
Brataas	Johnson	Moe, D. M.	Renneke	Vega
Chmielewski	Knoll	Moe, R. D.	Rued	Waldorf
Dahl	Knutson	Nelson	Schmitz	Willet
Davies	Kroening	Olhoft	Setzepfandt	

So the bill passed and its title was agreed to.

H. F. No. 30: A bill for an act relating to Independent School District No. 219, Elmore; requiring revision of its certified statutory operating debt.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 3, as follows:

Those who voted in the affirmative were:

Bang	Dicklich	Kronebusch	Penny	Spear
Belanger	Dieterich	Langseth	Peterson,C.C.	Stern
Benson	Frank	Lantry	Peterson,R.W.	Stokowski
Berg	Frederickson	Lessard	Petty	Stumpf
Berglin	Hanson	Luther	Pillsbury	Taylor
Bernhagen	Hughes	Menning	Purfeerst	Tennessen
Bertram	Humphrey	Merriam	Ramstad	Ulland
Brataas	Johnson	Moe, D. M.	Renneke	Vega
Chmielewski	Keefe	Moe, R. D.	Schmitz	Waldorf
Dahl	Knoll	Nelson	Setzepfandt	Willet
Davies	Knutson	Olhoft	Sikorski	
Davis	Kroening	Pehler	Solon	

Messrs. Engler, Lindgren and Rued voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 518: A bill for an act relating to education; including state hospitals as eligible employers for the purpose of work-study grants; amending Minnesota Statutes 1980, Section 136A.233, Subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Bertram	Dieterich	Johnson	Lantry
Bang	Brataas	Engler	Keefe	Lessard
Belanger	Chmielewski	Frank	Knoll	Lindgren
Benson	Dahl	Frederickson	Knutson	Luther
Berg	Davies	Hanson	Kroening	Menning
Berglin	Davis	Hughes	Kronebusch	Merriam
Bernhagen	Dicklich	Humphrey	Langseth	Moe, D. M.

Moe, R. D.	Peterson,R.W.	Rued	Stern	Vega
Nelson	Petty	Schmitz	Stokowski	Waldorf
Olhoft	Pillsbury	Setzepfandt	Stumpf	Willet
Pehler	Purfeerst	Sikorski	Taylor	
Penny	Ramstad	Solon	Tennessen	
Peterson,C.C.	Renneke	Spear	Ulland	

So the bill passed and its title was agreed to.

H. F. No. 401: A bill for an act relating to commerce; regulating the licensing of electricians; amending Minnesota Statutes 1980, Section 326.242, Subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Penny	Spear
Bang	Dieterich	Langseth	Peterson,C.C.	Stern
Belanger	Engler	Lantry	Peterson,R.W.	Stokowski
Benson	Frank	Lessard	Petty	Stumpf
Berg	Frederickson	Lindgren	Pillsbury	Taylor
Berglin	Hanson	Luther	Purfeerst	Tennessen
Bernhagen	Hughes	Menning	Ramstad	Ulland
Bertram	Humphrey	Merriam	Renneke	Vega
Brataas	Johnson	Moe, D. M.	Rued	Waldorf
Chmielewski	Keefe	Moe, R. D.	Schmitz	Willet
Dahl	Knoll	Nelson	Setzepfandt	
Davies	Knutson	Olhoft	Sikorski	
Davis	Kroening	Pehler	Solon	

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mrs. Lantry in the chair.

After some time spent therein, the committee arose, and Mrs.Lantry reported that the committee had considered the following:

S. F. Nos. 808, 595, 1140, 782, 1064, 368, 671, 1008, 1047 and 1150, which the committee recommends to pass.

S. F. No. 399, which the committee recommends to pass with the following amendment offered by Mr. Frank:

Page 1, line 16, after "*No*" insert "*legend*"

Amend the title as follows:

Page 1, line 2, after "of" insert "legend"

The motion prevailed. So the amendment was adopted.

S. F. No. 510, which the committee recommends to pass with the following amendment offered by Mr. Merriam:

Page 3, line 11, after "*district*" insert ", *county, or county municipal*"

Page 3, lines 12, 23, 34, and 36, delete "*of the district court*"

Page 7, line 10, delete "*of the district court*"

Page 8, lines 22 and 26, delete "*juvenile*"

Page 9, line 36, delete "*of the district*"

Page 10, line 1, delete "*court*"

Page 10, lines 6 and 8, delete "*of the district court*"

The motion prevailed. So the amendment was adopted.

S. F. No. 443, which the committee recommends to pass with the following amendment offered by Mr. Tennessen:

Page 3, line 22, strike "(1)" and insert "*(a)*"

Page 3, line 31, strike "(2)" and insert "*(b)*"

Page 3, line 33, strike "(3)" and insert "*(c)*"

Page 3, line 36, strike "(4)" and insert "*(d)*"

Page 4, line 2, delete "*(5)*" and insert "*(e)*"

Page 4, line 4, delete "*(a)*" and insert "*(1)*"

Page 4, line 8, delete "*(b)*" and insert "*(2)*"

Page 4, line 11, delete "*(c)*" and insert "*(3)*"

Page 4, line 22, delete "*(d)*" and insert "*(4)*"

Page 4, line 31, delete "*(6)*" and insert "*(f)*"

Page 4, line 32, delete "*(7)*" and insert "*(g)*"

Page 5, line 1, delete "*(8)*" and insert "*(h)*"

The motion prevailed. So the amendment was adopted.

S. F. No. 1122, which the committee reports progress, subject to the following motion:

Mr. Merriam moved to amend S.F. No. 1122 as follows:

Page 1, line 19, delete "*The administrator may submit to the commissioner,*"

Page 1, delete lines 20 to 25

Page 2, delete lines 1 to 5

Page 2, line 6, delete "*the date of reinstatement.*"

The motion prevailed. So the amendment was adopted.

S. F. No. 1122 was then progressed.

S. F. No. 763, which the committee recommends to pass with the following amendments offered by Mr. Knoll:

Mr. Knoll moved to amend S. F. No. 763 as follows:

Page 3, line 26, after "*revenue*" delete the comma and insert "*which are derived from federal sources other than general revenue sharing, or private grant sources.*"

Page 3, line 27, delete "*except that*"

The motion prevailed. So the amendment was adopted.

Mr. Knoll then moved to amend S. F. No. 763 as follows:

Page 4, line 14, after "*with*" insert "*that*"

Page 4, line 14, delete "*462C*"

Page 4, line 26, after "*with*" insert "*that*"

Page 4, line 26, delete "*462C*"

The motion prevailed. So the amendment was adopted.

S. F. No. 562, which the committee recommends to pass with the following amendment offered by Mr. Kroening:

Page 2, line 22, before the period, insert ", *and who holds himself or herself out to the public as having knowledge or skill peculiar to the business of home improvement*"

Page 2, delete lines 25 to 27 and insert:

"*Subd. 11. "Owner" means any person who owns a residential building on which home improvement work is performed, and includes any subsequent owner of the residential building.*"

Page 2, delete lines 30 to 36 and insert:

"*Subd. 3.* [HOME IMPROVEMENT WARRANTIES.] *(a) In a sale or in a contract for the sale of home improvement work involving major structural changes or additions to a residential building, the home improvement contractor shall warrant to the owner that:*

(1) During the one year period from and after the warranty date the home improvement shall be free from defects caused by faulty workmanship and defective materials due to noncompliance with building standards; and

(2) During the ten year period from and after the warranty date the home improvement shall be free from major construction defects.

(b) In a sale or in a contract for the sale of home improvement work involving the installation of plumbing, electrical, heating or cooling systems, the home improvement contractor shall warrant to the owner that, during the two year period from and after the warranty date, the home improvement shall be free from defects caused by the faulty installation of the system or systems.

(c) In a sale or in a contract for the sale of any home improvement work not covered by paragraphs (a) or (b) of this subdivision, the home improvement contractor shall warrant to the owner that, during the one year period from and after the warranty date, the home improvement shall be free from defects caused by faulty workmanship or defective materials due to noncompliance with building standards."

Page 3, delete lines 1 to 8

The motion prevailed. So the amendment was adopted.

S. F. No. 378, which the committee recommends to pass with the following amendment offered by Ms. Berglin:

Page 2, line 1, after "time" insert ", *either temporary or permanent,*"

The motion prevailed. So the amendment was adopted.

S. F. No. 549, which the committee recommends to pass, after the following motion:

Mr. Keefe moved to amend S. F. No. 549 as follows:

Page 2, after line 3, insert:

"Sec. 2. Minnesota Statutes 1980, Section 10A.25, is amended by adding a subdivision to read:

Subd. 5a. The expenditure limit imposed by subdivision 2 shall be increased by ten percent for any candidate who is not an incumbent in the office to which the candidate is seeking election and who has not been elected to public office during the four years before becoming a candidate, from a district including more than 40 percent of the population of the district from which he is a candidate."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "providing a separate campaign spending limit for non incumbents;"

Page 1, line 6, after "6", insert ", and by adding a subdivision"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 12 and nays 37, as follows:

Those who voted in the affirmative were:

Ashbach	Frederickson	Lindgren	Pillsbury	Rued
Benson	Keefe	Penny	Ramstad	Ulland
Brataas	Knutson			

Those who voted in the negative were:

Belanger	Dicklich	Lantry	Peterson,C.C.	Stokowski
Berg	Dieterich	Luther	Peterson,R.W.	Stumpf
Berglin	Frank	Merriam	Petty	Taylor
Bertram	Hanson	Moe, D. M.	Purfeerst	Tennessen
Chmielewski	Humphrey	Moe, R. D.	Setzepfandt	Waldorf
Dahl	Johnson	Nelson	Sikorski	
Davies	Knoll	Olhoft	Spear	
Davis	Kroening	Pehler	Stern	

The motion did not prevail. So the amendment was not adopted.

S. F. No. 314, which the committee recommends to pass with the following amendment offered by Mr. Stumpf:

Page 76, after line 1, insert:

"Sec. 2. [INSTRUCTION TO REVISOR.]

In accordance with Minnesota Statutes, Section 648.34, the revisor of statutes shall include in the next and subsequent editions of Minnesota Statutes,

Laws 1974, Chapter 435, as amended."

Renumber the sections in sequence

The motion prevailed. So the amendment was adopted.

S. F. No. 939, which the committee recommends to pass with the following amendment offered by Ms. Berglin:

Pages 1 and 2, delete sections 1 and 2

Pages 5 and 6, delete section 5

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "permitting the filing of a"

Page 1, delete line 3

Page 1, line 4, delete "district court;"

Page 1, line 8, delete "Subdivisions 1, 3 and" and insert "Subdivision" and after the semicolon insert "and"

Page 1, line 9, delete "; and 363.14, Subdivision 1"

The motion prevailed. So the amendment was adopted.

S. F. No. 827, which the committee recommends to pass with the following amendment offered by Mr. Davies:

Page 1, line 13, after the stricken "examine" insert " *during and*"

The motion prevailed. So the amendment was adopted.

S. F. No. 767, which the committee reports progress, subject to the following motion:

Mr. Merriam moved to amend S. F. No. 767 as follows:

Delete everything after the enacting clause and insert:

"Section 1. [375.171] [PUBLICATION OF FINANCIAL STATEMENTS.]

On or before the first Monday in each March, the county board shall publish a summary of its annual financial statement in a legal newspaper designated by the county board. The publication shall include a summary of the county's assets and liabilities and of receipts, disbursements, and balances in all county funds. The publication shall also include a notice designating a location where and the hours when the entire financial statement may be examined by the public.

Sec. 2. [REPEALER.]

Minnesota Statutes 1980, Section 375.17, is repealed."

Amend the title as follows:

Page 1, line 3, delete "amending" and insert "proposing new law coded in Minnesota Statutes, Chapter 375; repealing"

The motion prevailed. So the amendment was adopted.

S. F. No. 767 was then progressed.

On motion of Mrs. Lantry, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Vega, Schmitz, Purfeerst, Dicklich and Mrs. Kronebusch introduced—

S.F. No. 1352: A bill for an act relating to metropolitan government; eliminating the requirement that certain commissions reimburse the metropolitan council for certain costs; repealing Minnesota Statutes 1980, Sections 473.164 and 473.595, Subdivision 4.

Referred to the Committee on Transportation.

Messrs. Vega, Schmitz, Purfeerst, Dicklich and Mrs. Kronebusch introduced—

S.F. No. 1353: A bill for an act relating to transit; eliminating certain requirements from the metropolitan transit commission; amending Minnesota Statutes 1980, Section 473.164, Subdivision 1.

Referred to the Committee on Transportation.

Messrs. Vega, Solon, Johnson, Davies and Keefe introduced—

S.F. No. 1354: A bill for an act relating to landlords and tenants; requiring landlords to pay interest on security deposits and advance payments of rent by commercial tenants; proposing new law coded in Minnesota Statutes, Chapter 504.

Referred to the Committee on Judiciary.

Messrs. Vega, Solon and Lindgren introduced—

S.F. No. 1355: A bill for an act relating to health; prohibiting discrimination by health maintenance organizations against optometrists; amending Minnesota Statutes 1980, Section 62D.12, by adding a subdivision.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Vega and Pehler introduced—

S.F. No. 1356: A bill for an act relating to public employment; providing for transfer of accrued vacation or compensatory time under certain conditions; amending Minnesota Statutes 1980, Section 16A.17, Subdivision 7.

Referred to the Committee on Public Employees and Pensions.

Mr. Sikorski, Mrs. Brataas, Messrs. Solon, Ashbach and Johnson introduced—

S.F. No. 1357: A bill for an act relating to intoxicating liquor; prohibiting

discrimination in sales; filing of wholesale prices; amending Minnesota Statutes 1980, Sections 340.114, Subdivision 1; and 340.983.

Referred to the Committee on Commerce.

Messrs. Rued, Purfeerst, Engler and Willet introduced—

S.F. No. 1358: A bill for an act relating to transportation; including within the specific information signing program commercial establishments that provide resort recreational or related services to the recreational traveler; amending Minnesota Statutes 1980, Sections 160.292, Subdivisions 2 and 9, and 160.293, Subdivisions 1 and 3.

Referred to the Committee on Transportation.

Messrs. Davis, Pehler, Bang, Lindgren and Dicklich introduced—

S.F. No. 1359: A bill for an act relating to gambling; allowing certain organizations to conduct casino nights under specified conditions; amending Minnesota Statutes 1980, Sections 349.26, Subdivisions 8, 10, 11, 12, 13, 14, and by adding a subdivision; and 609.75, Subdivision 3.

Referred to the Committee on General Legislation and Administrative Rules.

Mr. Dicklich introduced—

S.F. No. 1360: A bill for an act relating to retirement; Buhl police relief association; authorizing the purchase of service credit for probationary service.

Referred to the Committee on Public Employees and Pensions.

Messrs. Peterson, C.C.; Lessard and Chmielewski introduced—

S.F. No. 1361: A bill for an act relating to juveniles; providing that delinquency hearings shall be open to the public; providing that certain children adjudicated delinquent may be detained in secure detention facilities for eight days; authorizing certain children adjudicated delinquent to be placed in semi-secure treatment programs; amending Minnesota Statutes 1980, Sections 260.155, Subdivision 1; 260.173, by adding subdivisions; and 260.185, Subdivision 1.

Referred to the Committee on Judiciary.

Messrs. Bang, Merriam, Purfeerst and Pillsbury introduced—

S.F. No. 1362: A bill for an act relating to taxation; increasing the sales and use tax and motor vehicle excise tax rate for sales occurring after June 30, 1981 and prior to July 1, 1983; amending Minnesota Statutes 1980, Sections 297A.02; 297A.14; and 297A.24.

Referred to the Committee on Taxes and Tax Laws.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Thursday, April 23, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRTY-NINTH DAY

St. Paul, Minnesota, Thursday, April 23, 1981

The Senate met at 10:00 a.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Eugene N. Seltz.

The roll was called, and the following Senators answered to their names:

Ashbach	Dieterich	Langseth	Peterson, D.L.	Stern
Bang	Engler	Lantry	Peterson, R.W.	Stokowski
Belanger	Frank	Lessard	Petty	Stumpf
Benson	Frederick	Lindgren	Pillsbury	Taylor
Berg	Frederickson	Luther	Purfeerst	Tennessen
Berglin	Hanson	Menning	Ramstad	Ulland
Bernhagen	Hughes	Merriam	Renneke	Vega
Bertram	Humphrey	Moe, D.M.	Rued	Waldorf
Brataas	Johnson	Moe, R.D.	Schmitz	Wegener
Chmielewski	Keefe	Nelson	Setzepfandt	Willet
Dahl	Knoll	Olhoft	Sieloff	
Davies	Knutson	Pehler	Sikorski	
Davis	Kroening	Penny	Solon	
Dicklich	Kronebusch	Peterson, C.C.	Spear	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

Mr. Nelson was excused from the Session of today from 12:00 noon to 1:00 p.m.

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. 333, 196, 462, 463, 611 and 849.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 22, 1981

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 396.

H. F. No. 396: A bill for an act relating to the military; requiring the adjutant general to furnish an American flag upon request of the person disposing of the

remains of a deceased person who served six years or more in the Minnesota national guard; proposing new law coded in Minnesota Statutes, Chapter 192.

And the House respectfully requests that a Conference Committee of three members be appointed thereon.

Jennings; Anderson, G., and Kostohyrz have been appointed as such committee on the part of the House.

House File No. 396 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 22, 1981

Mr. Moe, R. D. moved that H. F. No. 396 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. 247, 932 and 886.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 22, 1981

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H. F. No. 247: A bill for an act relating to retirement; authorizing certain persons to purchase prior service credit; authorizing certain persons to change retirement coverage for future services.

Referred to the Committee on Finance.

H. F. No. 932: A bill for an act relating to taxation; income; property tax refund; making technical corrections; deleting obsolete provisions; amending Minnesota Statutes 1980, Sections 290.01, Subdivisions 3, 19, 20, 21, 22, 23, 25, 26, and 27; 290.011; 290.032, Subdivision 2; 290.06, Subdivisions 1, 2c, 3e, 3f, and 11; 290.07, Subdivision 3; 290.071, Subdivisions 2 and 3; 290.075; 290.077, Subdivisions 1 and 2; 290.079, Subdivision 6; 290.08, Subdivision 8; 290.081; 290.085; 290.09, Subdivisions 1, 2, 4, 5, 6, 7, 10, 15, 18, 21, and 29; 290.095, Subdivision 2; 290.10; 290.101, Subdivision 9; 290.12, Subdivisions 1, 2, and 4; 290.13, Subdivision 5; 290.131, Subdivisions 1 and 3; 290.132, Subdivision 1; 290.133, Subdivision 2; 290.134, Subdivision 1; 290.135, Subdivision 1; 290.14; 290.16, Subdivisions 1, 3, 7, 8, 9, 12, and 13; 290.17, Subdivision 2; 290.18, Subdivisions 1 and 2; 290.21, Subdivisions 1, 3, 3a, 4, and 7; 290.22; 290.23, Subdivisions 3, 5, 9, and 15; 290.25, Subdivision 1; 290.26, Subdivisions 1, 2a, and 3; 290.281, Subdivision 2; 290.31, Subdivisions 2, 3, 4, 6, 9, 10, 11, 21, and by adding a subdivision; 290.32; 290.34, Subdivision 3; 290.35; 290.39, Subdivision 1; 290.42; 290.45, Subdivision 3; 290.46; 290.48, Subdivision 2; 290.49, Subdivisions 1 and 4; 290.50, Subdivisions 1, 3, and 5; 290.53, Subdivisions 1 and 4; 290.56, Subdivisions 2, 3, and 4; 290.92, Subdivisions 5, 6, 16, and

19; 290.93, Subdivisions 5 and 6; 290.932, Subdivisions 1 and 4; 290A.03, Subdivisions 3 and 13; 290A.04, Subdivisions 2 and 2c; 290A.06; and 290A.07, Subdivision 2; repealing Minnesota Statutes 1980, Sections 290.076; 290.08, Subdivisions 7 and 13; 290.131, Subdivisions 4, 5, 6, and 7; 290.133, Subdivision 3; 290.134, Subdivisions 2, 3, and 4; 290.135, Subdivisions 2, 3, and 4; 290.23, Subdivisions 1, 2, 6, 7, 8, 10, 11, 12, 13, and 14; 290.24; 290.25, Subdivisions 2, 3, 4, and 5; 290.26, Subdivisions 4 and 7; 290.27; 290.28; 290.60; 290.65, Subdivision 17; 290.931, Subdivision 4; 290.932, Subdivision 3; 290.933, Subdivision 3; and 290.934, Subdivision 6.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 687, now on General Orders.

H. F. No. 886: A bill for an act relating to mobile homes; specifying conditions on which a lessor may recover possession of land upon which a mobile home is located; requiring disclosure; providing for the recovery of possession of land by the lessor upon expiration of the lease term; amending Minnesota Statutes 1980, Sections 327.44; and 327.553, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 327.

Referred to the Committee on Judiciary.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of reports pertaining to appointments. The motion prevailed.

Mr. Purfeerst from the Committee on Transportation, to which was referred

H. F. No. 395: A bill for an act relating to state government; allowing other public employees, as well as spouses of state and other public employees, to participate in state employee van pools under certain circumstances; amending Minnesota Statutes 1980, Section 16.756, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

H. F. No. 893: A bill for an act relating to transportation; authorizing the purchase of the closed combination railroad and highway bridge connecting St. Paul Park in Washington County and Inver Grove Heights in Dakota County, and authorizing its operation as a toll bridge by a private business entity; providing for the regulation of the operation and maintenance of the bridge and the establishment of maximum toll charges by the counties of Washington and Dakota.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

H. F. No. 847: A bill for an act relating to highway traffic regulations; providing for the designation and undesignation of routes to carry certain gross weights; amending Minnesota Statutes 1980, Section 169.832, Subdivision

11; repealing Minnesota Statutes 1980, Section 169.832, Subdivision 12.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

H. F. No. 357: A bill for an act relating to highway traffic regulation; authorizing and regulating the use of strobe lamps on school buses; correcting the applicability provision of a school bus law; authorizing and regulating flashing signals or school bus stop signal arms; imposing standards for the signal arms; restricting the meaning of "type three school bus"; prohibiting a type three school bus from being equipped and identified as certain other school buses; amending Minnesota Statutes 1980, Sections 169.44, Subdivisions 3 and 10, and by adding subdivisions; 169.64, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

H. F. No. 467: A bill for an act relating to motor vehicles; authorizing the identification of certain tax exempt vehicles by use of removable plates or placards; amending Minnesota Statutes 1980, Section 168.012, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 16, strike "school"

Page 2, line 17, strike "district" and insert "*political subdivision*"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

H. F. No. 704: A bill for an act relating to motor vehicles; providing for the taxation and registration of certain collector's vehicles; including additional vehicles entitled to classic car license plates; increasing the tax thereon; amending Minnesota Statutes 1980, Section 168.10, Subdivision 1b.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 26, reinstate the stricken language and delete the new language

Page 5, after line 35, insert:

"Sec. 2. Minnesota Statutes 1980, Section 169.73, is amended to read:

169.73 [BUMPERS, SAFEGUARDS.]

Subdivision 1. [DEFINITION.] As used in this section "private passenger vehicle" means a four wheeled passenger automobile~~, station wagon, or truck of a gross vehicle weight of 9,000 pounds or less,~~ as ~~those terms are~~ defined in section 168.011, ~~or a jeep type automobile,~~ but does not include ~~any~~ *a* collector vehicle as defined in section 168.10.

Subd. 2. [BUMPER ~~RESTRICTIONS~~ *REQUIREMENT*.] All private passenger vehicles shall be equipped with front and rear bumpers. ~~The bumpers~~

~~shall be securely attached to the frame, and shall extend beyond the extreme front and rear points, respectively, of the vehicles. The center point of the bumpers shall be not more than 20, nor less than 16, inches from the ground when the vehicle is unloaded, provided that two rigid cross-bars may be attached to any bumper to extend it so that it will reach into a point within the required height from the ground.~~

Subd. 3. [BUMPER RESTRICTIONS.] *No person shall operate a passenger automobile, station wagon, jeep type automobile, or truck of a gross weight of 9,000 pounds or less that: (a) Was originally equipped with bumpers as standard equipment, unless the vehicle is equipped with bumpers equal to the original equipment; or (b) Has a suspension system or body so modified that the height of any bumper on the vehicle varies more than three inches from the original manufactured bumper height for the vehicle.*

Subd. 4. [PENALTY.] *Any person who violates this section is guilty of a misdemeanor.*''

Amend the title as follows:

Page 1, line 5, after ''plates;'' insert ''redefining a private passenger vehicle for certain purposes; clarifying certain requirements for front and rear bumpers; providing penalties;''

Page 1, line 5, delete ''increasing the tax thereon;''

Page 1, line 6, delete ''Section'' and insert ''Sections''

Page 1, line 7, after ''1b'' insert ''; and 169.73''

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S. F. No. 823: A bill for an act relating to transportation; regulating apportionment from the municipal state-aid street fund; providing for the inclusion of certain cities in the 1981 apportionment of municipal state-aid street funds.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

H. F. No. 564: A bill for an act relating to insurance; allowing a township mutual fire insurance company to insure certain property; amending Minnesota Statutes 1980, Section 67A.14, Subdivision 5.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

H. F. No. 277: A bill for an act relating to insurance; broadening the investment authority of township mutual insurance companies; prescribing recordkeeping duties; providing remedies; proposing new law coded in Minnesota Statutes, Chapter 67A; repealing Minnesota Statutes 1980, Sections 67A.23 and 67A.24.

Reports the same back with the recommendation that the bill do pass. Report

adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

H. F. No. 775: A bill for an act relating to public utilities; removing municipal utilities from public utilities commission jurisdiction and granting an option in regard thereto; amending Minnesota Statutes 1980, Section 216B.11; proposing new law coded in Minnesota Statutes, Chapter 216B; repealing Minnesota Statutes 1980, Sections 216B.10, Subdivision 6; 216B.12, Subdivision 2; and 216B.13, Subdivision 2.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

H. F. No. 918: A bill for an act relating to cooperatives; procedure for elections by members or shareholders of cooperative electric associations on public utilities commission regulation; amending Minnesota Statutes 1980, Section 216B.02, Subdivision 4; proposing new law coded in Minnesota Statutes, Chapter 216B.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

H. F. No. 436: A bill for an act relating to financial institutions; setting application fees for industrial loan and thrifts; providing for publication of notices; establishing procedures for consideration of applications for consent to sell and issue certificates; increasing the minimum amounts for insurance of accounts; amending Minnesota Statutes 1980, Sections 53.03, Subdivision 1, and by adding subdivisions; and 53.10, Subdivision 1.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Stumpf from the Committee on Elections and Reapportionment, to which was referred

S. F. No. 1259: A bill for an act relating to Independent School District No. 281, Robbinsdale; providing an alley system for at large election of school board members.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Stumpf from the Committee on Elections and Reapportionment, to which was referred

S. F. No. 1343: A bill for an act relating to elections; providing for automatic recounts in certain judicial elections; amending Minnesota Statutes 1980, Sections 204A.51, Subdivisions 2 and 3; and 204A.53, Subdivisions 2 and 3.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Stumpf from the Committee on Elections and Reapportionment, to which was referred

S. F. No. 1278: A bill for an act relating to elections; providing for special elections to fill vacancies in statutory city offices; amending Minnesota Statutes 1980, Sections 205.10; 205.17, by adding a subdivision; and 412.02, Subdivision 2, and by adding a subdivision.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

H. F. No. 979: A bill for an act relating to health; encouraging philanthropic support of hospitals; providing that funds derived from specified types of gifts or grants shall not be deducted from the operating costs of a hospital; proposing new law coded in Minnesota Statutes, Chapter 144.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 20, delete "*unrestricted*"

Page 1, line 22, after "*excluded*" insert "*from operating costs*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

H. F. No. 1178: A bill for an act relating to the board of medical examiners; allowing temporary suspension of physicians' licenses without a hearing under certain conditions; amending Minnesota Statutes 1980, Section 147.021, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Wegener from the Committee on Local Government and Urban Affairs, to which was referred

S. F. No. 1248: A bill for an act relating to local improvements; regulating the issuance of temporary improvement bonds; amending Minnesota Statutes 1980, Section 429.091, Subdivision 3, and by adding subdivisions.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Wegener from the Committee on Local Government and Urban Affairs, to which was referred

S. F. No. 1322: A bill for an act relating to counties; providing that the compensation of members of the St. Louis county board of commissioners be set pursuant to general law; amending Minnesota Statutes 1980, Section 375.055, Subdivision 1; repealing Laws 1965, Chapter 843.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Wegener from the Committee on Local Government and Urban Affairs, to which was referred

S. F. No. 1193: A bill for an act relating to the city of Crystal; providing for the designation of polling places in a certain precinct.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, delete "*may*" and insert "*shall*"

Page 1, line 11, after "*designate*" insert "*the polling places*"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government and Urban Affairs, to which was referred

S. F. No. 1321: A bill for an act relating to the city of Granite Falls; authorizing the establishment of a community development program and providing powers for it.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 2 and 3, delete subdivision 3

Renumber the subdivisions in sequence

Page 6, after line 14, insert:

"Sec. 4. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Knoll from the Committee on Governmental Operations, to which was referred the following appointment as reported in the Journal for January 26, 1981:

DEPARTMENT OF ADMINISTRATION
COMMISSIONER

James Hiniker

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

H. F. Nos. 1080, 1052, 484 and 567 for comparison with companion Senate Files, reports the following House Files were found not identical with their companion Senate Files 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.
1080	993				
1052	922				
484	398				
567	1293				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 1080 be amended as follows:

Page 1, delete lines 10 to 16

Page 1, line 17, delete "*Subd. 2*" and insert "*Subdivision 1.*"

Page 1, line 23, delete "*3*" and insert "*2*"

Page 2, line 1, delete "*Minnesota Statutes,*"

Page 2, line 3, delete "*4*" and insert "*3*"

Page 2, line 4, delete "*Minnesota*"

Page 2, line 5, delete "*Statutes,*"

Page 2, line 10, delete "*This act*" and insert "*Section 1*"

And when so amended H. F. No. 1080 will be identical to S. F. No. 993, and further recommends that H. F. No. 1080 be given its second reading and substituted for S. F. No. 993, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 1052 be amended as follows:

Page 1, line 14, delete "*The deed shall provide that the tract shall revert*"

Page 1, delete line 15

And when so amended H. F. No. 1052 will be identical to S. F. No. 922, and further recommends that H. F. No. 1052 be given its second reading and substituted for S. F. No. 922, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 484 be amended as follows:

Page 2, delete line 29

Page 3, line 13, delete "*clause*" and insert "*paragraph*"

Page 3, line 16, delete the colon and reinstate the comma

Page 11, line 17, delete "*80D.03*" and insert "*80D.04*"

Page 14, line 3, strike "the"

Page 14, lines 4 and 5, delete "*office of the attorney general and to any association of residents*" and insert "*any resident or association of residents, or the legal representative of a resident or association of residents;*"

Page 14, line 10, after "any" insert "*part of the*" and after "reserve" insert "*escrow*"

Page 15, line 11, delete the new language

Page 15, line 15, strike "The"

Page 15, lines 16 to 21, delete the new language and strike all the old language

Page 17, line 29, delete "*or attorney general*"

Page 17, line 34, strike "upon application of the" and delete " *attorney general*"

Page 18, line 19, delete the headnote and strike the old language

Page 18, lines 20 to 31, delete the new language and strike all the old language

Pages 19 and 20, delete sections 12, 13, and 14

Page 20, line 23, delete "15" and insert "12"

Page 21, line 2, delete "16" and insert "13"

Page 22, line 12, delete ", *chapter 80D*" and insert " *(chapter 80D)*"

Page 22, line 14, delete "17" and insert "14"

Page 22, line 16, delete the comma after "80D.14"

Page 22, line 17, delete "*Subdivision 3*"

Page 22, line 17, before "*80D.17*" insert "*80D.15;*"

Page 22, line 18, delete "18" and insert "15"

Page 22, line 19, delete "*17*" and insert "*14*"

Amend the title as follows:

Page 1, line 9, delete "80D.14,"

Page 1, line 10, delete "Subdivisions 1 and 2; 80D.15;"

Page 1, line 13, delete ", Subdivision 3" and before "80D.17;" insert "80D.15;"

And when so amended H. F. No. 484 will be identical to S. F.No. 398, and further recommends that H. F. No. 484 be given its second reading and substituted for S. F. No. 398, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 567 be amended as follows:

Page 4, line 6, after "*spouse*" insert ", *if the surviving spouse*"

Page 4, line 11, delete "*the surviving spouse*"

Page 4, line 26, delete "*section 354.46,*" and after "*or*" insert "*in section 354.47,*"

Page 4, delete lines 28 and 29

Page 4, line 30, delete everything before "*For*"

Page 5, line 33, delete everything after the period

Page 5, delete lines 34 and 35

Page 5, line 36, delete "*member.*"

Page 7, delete lines 3 to 12 and insert:

"*Subd. 3.* [REQUIREMENT OF NOTICE TO MEMBER'S SPOUSE.] *If a public pension fund provides optional annuity forms which include a joint and survivor optional annuity form potentially applicable to the surviving spouse of a member, the public pension fund shall send a copy of the written statement required by subdivision 2 to the spouse of the member prior to the member's election of an optional annuity.*

Following the election of an annuity form by the member, a copy of the completed annuity application shall be sent by certified mail to the spouse of the retiring member."

Page 7, line 23, delete everything after the period

Page 7, delete lines 24 to 28

And when so amended H. F. No. 567 will be identical to S. F.No. 1293, and further recommends that H. F. No. 567 be given its second reading and substituted for S. F. No. 1293, 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 were referred

H. F. Nos. 928, 681, 996, 1059, 1237 and 708 for comparison with companion Senate Files, reports the following House Files were found identical and recommends the House Files be given their second reading and substituted for their companion Senate Files 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.
928	950	1237	1204	708	95
681	974				
996	983				
1059	985				

and that the above Senate Files 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.

SECOND READING OF SENATE BILLS

S. F. Nos. 823, 1259, 1343, 1278, 1248, 1322, 1193 and 1321 were read the second time.

SECOND READING OF HOUSE BILLS

H. F. Nos. 395, 893, 847, 357, 467, 704, 564, 277, 775, 918, 436, 979, 1178, 1080, 1052, 484, 567, 928, 681, 996, 1059, 1237 and 708 were read the

second time.

MOTIONS AND RESOLUTIONS

Mr. Petty moved that the name of Mr. Tennessen be added as co-author to S. F. No. 897. The motion prevailed.

Mr. Stern moved that his name be stricken as co-author to S. F. No. 897. The motion prevailed.

Mr. Merriam introduced—

Senate Resolution No. 55: A Senate resolution proclaiming Minnesota Environmental Awareness Day.

Referred to the Committee on Rules and Administration.

SUSPENSION OF RULES

Without objection, the rules of the Senate were so far suspended as to waive the lie-over requirement on the Calendar.

CALENDAR

S. F. No. 549: A bill for an act relating to elections; clarifying and correcting certain provisions and eliminating certain obsolete provisions of the ethics in government act; amending Minnesota Statutes 1980, Sections 10A.25, Subdivisions 2 and 6; 10A.255, by adding a subdivision; 10A.31, Subdivision 2; 10A.32, Subdivision 3b; and 10A.335; repealing Minnesota Statutes 1980, Section 10A.25, Subdivision 7.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Langseth	Peterson,C.C.	Solon
Bang	Dieterich	Lantry	Peterson,D.L.	Spear
Belanger	Engler	Lessard	Peterson,R.W.	Stern
Benson	Frank	Lindgren	Petty	Stokowski
Berg	Frederickson	Luther	Pillsbury	Stumpf
Berglin	Hughes	Menning	Purfeerst	Taylor
Bernhagen	Humphrey	Merriam	Ramstad	Tennessen
Bertram	Johnson	Moe, D. M.	Renneke	Ulland
Brataas	Keefe	Moe, R. D.	Rued	Vega
Chmielewski	Knoll	Nelson	Schmitz	Waldorf
Dahl	Knutson	Olhoft	Setzepfandt	Wegener
Davies	Kroening	Pehler	Sieloff	Willet
Davis	Kronebusch	Penny	Sikorski	

So the bill passed and its title was agreed to.

S. F. No. 399: A bill for an act relating to drugs; requiring imprinting of legend drugs; amending Minnesota Statutes 1980, Section 151.361.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 1, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Penny	Solon
Bang	Dieterich	Langseth	Peterson,C.C.	Spear
Belanger	Engler	Lantry	Peterson,D.L.	Stern
Benson	Frank	Lessard	Peterson,R.W.	Stokowski
Berg	Frederick	Lindgren	Petty	Stumpf
Berglin	Frederickson	Luther	Pillsbury	Taylor
Bernhagen	Hanson	Menning	Purfeerst	Tennessen
Bertram	Hughes	Merriam	Renneke	Ulland
Brataas	Humphrey	Moe, D. M.	Rued	Vega
Chmielewski	Johnson	Moe, R. D.	Schmitz	Waldorf
Dahl	Keefe	Nelson	Setzepfandt	Wegener
Davies	Knoll	Olhoft	Sieloff	Willet
Davis	Kroening	Pehler	Sikorski	

Mr. Knutson voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 314: A bill for an act relating to Ramsey County; simplifying the numbering of the county code; amending Laws 1974, Chapter 435, Articles I to IV, as amended.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Penny	Sikorski
Bang	Dieterich	Langseth	Peterson,C.C.	Spear
Belanger	Engler	Lantry	Peterson,D.L.	Stern
Benson	Frank	Lessard	Peterson,R.W.	Stokowski
Berg	Frederick	Lindgren	Petty	Stumpf
Berglin	Frederickson	Luther	Pillsbury	Taylor
Bernhagen	Hanson	Menning	Purfeerst	Tennessen
Bertram	Hughes	Merriam	Ramstad	Ulland
Brataas	Johnson	Moe, D. M.	Renneke	Vega
Chmielewski	Keefe	Moe, R. D.	Rued	Waldorf
Dahl	Knoll	Nelson	Schmitz	Wegener
Davies	Knutson	Olhoft	Setzepfandt	Willet
Davis	Kroening	Pehler	Sieloff	

So the bill passed and its title was agreed to.

S. F. No. 510: A bill for an act relating to arrest; providing for the extradition and rendition of accused persons, escapees and other persons subject to orders in criminal proceedings; enacting the uniform extradition and rendition act; amending Minnesota Statutes 1980, Sections 480.059, Subdivision 7; 611.14; and 629.404, Subdivision 2; proposing new law coded as Minnesota Statutes, Chapter 629A; repealing Minnesota Statutes 1980, Sections 629.01 to 629.29.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kroening	Pehler	Sikorski
Bang	Dieterich	Kronebusch	Penny	Solon
Belanger	Engler	Langseth	Peterson,C.C.	Spear
Benson	Frank	Lantry	Peterson,D.L.	Stern
Berg	Frederick	Lessard	Peterson,R.W.	Stokowski
Berglin	Frederickson	Lindgren	Petty	Stumpf
Bernhagen	Hanson	Luther	Pillsbury	Taylor
Bertram	Hughes	Menning	Purfeerst	Tennessen
Brataas	Humphrey	Merriam	Ramstad	Ulland
Chmielewski	Johnson	Moe, D. M.	Renneke	Vega
Dahl	Keefe	Moe, R. D.	Rued	Waldorf
Davies	Knoll	Nelson	Schmitz	Wegener
Davis	Knutson	Olhoft	Sieloff	Willet

So the bill passed and its title was agreed to.

S. F. No. 443: A bill for an act relating to commerce; regulating franchises; providing a penalty; amending Minnesota Statutes 1980, Sections 80C.01, Subdivision 4, and by adding subdivisions; 80C.03; 80C.14; 80C.17, by adding a subdivision; 80C.18, Subdivision 2; and 80C.19, Subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Langseth	Peterson,D.L.	Stern
Bang	Engler	Lantry	Peterson,R.W.	Stokowski
Belanger	Frank	Lessard	Petty	Stumpf
Benson	Frederick	Lindgren	Pillsbury	Taylor
Berg	Frederickson	Luther	Purfeerst	Tennessen
Berglin	Hanson	Menning	Ramstad	Ulland
Bernhagen	Hughes	Merriam	Renneke	Vega
Bertram	Humphrey	Moe, D. M.	Rued	Waldorf
Brataas	Johnson	Moe, R. D.	Schmitz	Wegener
Chmielewski	Keefe	Nelson	Setzepfandt	Willet
Dahl	Knoll	Olhoft	Sieloff	
Davies	Knutson	Pehler	Sikorski	
Davis	Kroening	Penny	Solon	
Dicklich	Kronebusch	Peterson,C.C.	Spear	

So the bill passed and its title was agreed to.

S. F. No. 763: A bill for an act relating to the cities of Minneapolis and St. Paul; authorizing the implementation of energy conservation programs; authorizing the financing of residential energy conservation programs; authorizing the issuance of qualified mortgage bonds; requiring a report to the legislature.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 46 and nays 19, as follows:

Those who voted in the affirmative were:

Belanger	Frederickson	Lessard	Petty	Stumpf
Berglin	Hanson	Luther	Purfeerst	Taylor
Bertram	Hughes	Menning	Ramstad	Ulland
Chmielewski	Humphrey	Merriam	Schmitz	Vega
Dahl	Johnson	Moe, D. M.	Setzepfandt	Waldorf
Davis	Knoll	Moe, R. D.	Sikorski	Wegener
Dicklich	Kroening	Nelson	Solon	
Dieterich	Kronebusch	Pehler	Spear	
Frank	Langseth	Penny	Stern	
Frederick	Lantry	Peterson,R.W.	Stokowski	

Those who voted in the negative were:

Ashbach	Bernhagen	Keefe	Peterson,C.C.	Rued
Bang	Brataas	Knutson	Peterson,D.L.	Tennessen
Benson	Davies	Lindgren	Pillsbury	Willet
Berg	Engler	Olhoft	Renneke	

So the bill passed and its title was agreed to.

S. F. No. 808: A bill for an act relating to the city of Duluth; authorizing the establishment of a home energy conservation program as part of its municipal utility system and the issuance of municipal revenue bonds or notes for that purpose; requiring a report to the legislature.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 47 and nays 19, as follows:

Those who voted in the affirmative were:

Belanger	Hanson	Luther	Petty	Stokowski
Berglin	Hughes	Menning	Purfeerst	Stumpf
Bertram	Humphrey	Merriam	Ramstad	Taylor
Chmielewski	Johnson	Moe, D. M.	Schmitz	Ulland
Dahl	Knoll	Moe, R. D.	Setzepfandt	Vega
Davis	Kroening	Nelson	Sieloff	Waldorf
Dicklich	Kronebusch	Olhoft	Sikorski	Wegener
Dieterich	Langseth	Pehler	Solon	
Frederick	Lantry	Penny	Spear	
Frederickson	Lessard	Peterson,R.W.	Stern	

Those who voted in the negative were:

Ashbach	Bernhagen	Frank	Peterson,C.C.	Rued
Bang	Brataas	Keefe	Peterson,D.L.	Tennessen
Benson	Davies	Knutson	Pillsbury	Willet
Berg	Engler	Lindgren	Renneke	

So the bill passed and its title was agreed to.

S. F. No. 595: A bill for an act relating to education; providing for the preparation of a report by the legislative commission on employee relations analyzing current insurance programs available to teachers and other public school employees in Minnesota; amending Minnesota Statutes 1980, Section 3.855, Subdivision 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Langseth	Peterson,D.L.	Stern
Bang	Engler	Lantry	Peterson,R.W.	Stokowski
Belanger	Frank	Lessard	Petty	Stumpf
Benson	Frederick	Lindgren	Pillsbury	Taylor
Berg	Frederickson	Luther	Purfeerst	Tennessen
Berglin	Hanson	Menning	Ramstad	Ulland
Bernhagen	Hughes	Merriam	Renneke	Vega
Bertram	Humphrey	Moe, D. M.	Rued	Waldorf
Brataas	Johnson	Moe, R. D.	Schmitz	Wegener
Chmielewski	Keefe	Nelson	Setzepfandt	Willet
Dahl	Knoll	Olhoft	Sieloff	
Davies	Knutson	Pehler	Sikorski	
Davis	Kroening	Penny	Solon	
Dicklich	Kronebusch	Peterson,C.C.	Spear	

So the bill passed and its title was agreed to.

S. F. No. 1140: A bill for an act relating to statutory cities; raising the limitation on city contracts which the city manager may make; amending Minnesota Statutes 1980, Section 412.691.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 51 and nays 14, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Lantry	Peterson,R.W.	Stokowski
Bang	Frederick	Lessard	Petty	Taylor
Belanger	Frederickson	Lindgren	Pillsbury	Tennessen
Benson	Hughes	Menning	Purfeerst	Ulland
Berg	Humphrey	Moe, D. M.	Ramstad	Vega
Berglin	Keefe	Moe, R. D.	Renneke	Waldorf
Bernhagen	Knoll	Nelson	Rued	Wegener
Brataas	Knutson	Pehler	Setzepfandt	
Davies	Kroening	Penny	Sieloff	
Davis	Kronebusch	Peterson,C.C.	Solon	
Dieterich	Langseth	Peterson,D.L.	Stern	

Those who voted in the negative were:

Bertram	Frank	Luther	Schmitz	Stumpf
Chmielewski	Hanson	Merriam	Sikorski	Willet
Dahl	Johnson	Olhoft	Spear	

So the bill passed and its title was agreed to.

S. F. No. 782: A bill for an act relating to St. Louis county; revising the county civil service law; providing for commissioners' pay, provisional appointments, employment of resignees, and treatment of examination errors; amending Laws 1941, Chapter 423, Sections 2, as amended, 5, as amended, 11, 12, and 17.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kroening	Penny	Solon
Bang	Dieterich	Kronebusch	Peterson,C.C.	Spear
Belanger	Engler	Langseth	Peterson,D.L.	Stern
Benson	Frank	Lantry	Peterson,R.W.	Stokowski
Berg	Frederick	Lindgren	Petty	Stumpf
Berglin	Frederickson	Luther	Pillsbury	Taylor
Bernhagen	Hanson	Menning	Purfeerst	Tennessen
Bertram	Hughes	Merriam	Ramstad	Ulland
Brataas	Humphrey	Moe, D. M.	Renneke	Vega
Chmielewski	Johnson	Moe, R. D.	Rued	Waldorf
Dahl	Keefe	Nelson	Schmitz	Wegener
Davies	Knoll	Olhoft	Setzepfandt	Willet
Davis	Knutson	Pehler	Sikorski	

So the bill passed and its title was agreed to.

S. F. No. 1064: A bill for an act relating to crimes; changing certain

penalties and enforcement procedures in the fair campaign practices act; amending Minnesota Statutes 1980, Sections 210A.05, by adding a subdivision; and 210A.37.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 1, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kroening	Pehler	Sieloff
Bang	Dieterich	Kronebusch	Penny	Sikorski
Belanger	Engler	Langseth	Peterson,C.C.	Solon
Benson	Frank	Lantry	Peterson,D.L.	Spear
Berg	Frederick	Lessard	Peterson,R.W.	Stern
Berglin	Frederickson	Lindgren	Petty	Stokowski
Bernhagen	Hanson	Luther	Pillsbury	Stumpf
Bertram	Hughes	Menning	Purfeerst	Taylor
Brataas	Humphrey	Merriam	Ramstad	Ulland
Chmielewski	Johnson	Moe, D. M.	Renneke	Vega
Dahl	Keefe	Moe, R. D.	Rued	Waldorf
Davies	Knoll	Nelson	Schmitz	Wegener
Davis	Knutson	Olhoft	Setzepfandt	Willet

Mr. Tennessen voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 562: A bill for an act relating to housing; providing statutory warranties on home improvement work; establishing a cause of action for breach of warranty; providing remedies; amending Minnesota Statutes 1980, Sections 327A.01, Subdivisions 5, 8 and by adding subdivisions; 327A.02, by adding a subdivision; 327A.03; 327A.04, Subdivision 2; 327A.05; and 327A.07; proposing new law coded in Minnesota Statutes, Chapter 327A.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 54 and nays 12, as follows:

Those who voted in the affirmative were:

Belanger	Frederickson	Lessard	Peterson,D.L.	Spear
Berglin	Hanson	Lindgren	Peterson,R.W.	Stern
Bertram	Hughes	Luther	Petty	Stokowski
Chmielewski	Humphrey	Menning	Pillsbury	Stumpf
Dahl	Johnson	Merriam	Purfeerst	Taylor
Davies	Keefe	Moe, D. M.	Ramstad	Tennessen
Davis	Knoll	Moe, R. D.	Renneke	Ulland
Dicklich	Kroening	Nelson	Rued	Vega
Dieterich	Kronebusch	Olhoft	Schmitz	Waldorf
Frank	Langseth	Pehler	Sikorski	Wegener
Frederick	Lantry	Penny	Solon	

Those who voted in the negative were:

Ashbach	Berg	Engler	Peterson,C.C.	Sieloff
Bang	Bernhagen	Knutson	Setzepfandt	Willet
Benson	Brataas			

So the bill passed and its title was agreed to.

S. F. No. 368: A bill for an act relating to housing; requiring municipal housing plans to incorporate policies to minimize displacement and encourage citizen participation; encouraging the use of bond proceeds for housing for persons and families of low income; providing that multifamily housing loans may be used to acquire structures for conversion to cooperative ownership; amending Minnesota Statutes 1980, Sections 462C.03, Subdivisions 1 and 2; and 462C.05, Subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Langseth	Peterson,D.L.	Stern
Bang	Engler	Lantry	Peterson,R.W.	Stokowski
Belanger	Frank	Lessard	Petty	Stumpf
Benson	Frederick	Lindgren	Pillsbury	Taylor
Berg	Frederickson	Luther	Purfeerst	Tennessen
Berglin	Hanson	Menning	Ramstad	Ulland
Bernhagen	Hughes	Merriam	Renneke	Vega
Bertram	Humphrey	Moe, D. M.	Rued	Waldorf
Brataas	Johnson	Moe, R. D.	Schmitz	Wegener
Chmielewski	Keefe	Nelson	Setzepfandt	Willet
Dahl	Knoll	Olhoft	Sieloff	
Davies	Knutson	Pehler	Sikorski	
Davis	Kroening	Penny	Solon	
Dicklich	Kronebusch	Peterson,C.C.	Spear	

So the bill passed and its title was agreed to.

S. F. No. 671: A bill for an act relating to crimes; conforming the definition of trade secret in the law proscribing theft to the definition of trade secret in the uniform trade secrets act; amending Minnesota Statutes 1980, Section 609.52, Subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kroening	Pehler	Sikorski
Bang	Dieterich	Kronebusch	Penny	Solon
Belanger	Engler	Langseth	Peterson,C.C.	Spear
Benson	Frank	Lantry	Peterson,D.L.	Stern
Berg	Frederick	Lessard	Peterson,R.W.	Stokowski
Berglin	Frederickson	Lindgren	Petty	Stumpf
Bernhagen	Hanson	Luther	Pillsbury	Taylor
Bertram	Hughes	Menning	Purfeerst	Tennessen
Brataas	Humphrey	Merriam	Ramstad	Ulland
Chmielewski	Johnson	Moe, D. M.	Renneke	Vega
Dahl	Keefe	Moe, R. D.	Rued	Waldorf
Davies	Knoll	Nelson	Schmitz	Wegener
Davis	Knutson	Olhoft	Setzepfandt	Willet

So the bill passed and its title was agreed to.

S. F. No. 1008: A bill for an act relating to courts; tax court; increasing the number of authorized administrative employees; amending Minnesota Statutes

1980, Section 271.02.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 47 and nays 19, as follows:

Those who voted in the affirmative were:

Ashbach	Hanson	Luther	Pillsbury	Stokowski
Belanger	Hughes	Menning	Purfeerst	Stumpf
Berglin	Humphrey	Merriam	Ramstad	Taylor
Brataas	Keefe	Moe, D. M.	Renneke	Tennessen
Chmielewski	Knoll	Moe, R. D.	Rued	Vega
Dahl	Kroening	Nelson	Schmitz	Waldorf
Davies	Kronebusch	Olhoft	Sieloff	Wegener
Dieterich	Langseth	Penny	Solon	
Frank	Lantry	Peterson,R.W.	Spear	
Frederickson	Lessard	Petty	Stern	

Those who voted in the negative were:

Bang	Bertram	Frederick	Pehler	Sikorski
Benson	Davis	Johnson	Peterson,C.C.	Ulland
Berg	Dicklich	Knutson	Peterson,D.L.	Willet
Bernhagen	Engler	Lindgren	Setzepfandt	

So the bill passed and its title was agreed to.

S. F. No. 378: A bill for an act relating to marriage dissolution; clarifying factors to consider in awarding maintenance; amending Minnesota Statutes 1980, Section 518.552.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 38 and nays 28, as follows:

Those who voted in the affirmative were:

Berglin	Frank	Luther	Ramstad	Tennessen
Brataas	Hanson	Merriam	Schmitz	Ulland
Chmielewski	Humphrey	Moe, D. M.	Sikorski	Vega
Dahl	Johnson	Moe, R. D.	Solon	Waldorf
Davies	Knoll	Pehler	Spear	Wegener
Davis	Kroening	Penny	Stern	Willet
Dicklich	Langseth	Peterson,R.W.	Stokowski	
Dieterich	Lantry	Petty	Stumpf	

Those who voted in the negative were:

Ashbach	Bertram	Knutson	Olhoft	Rued
Bang	Engler	Kronebusch	Peterson,C.C.	Setzepfandt
Belanger	Frederick	Lessard	Peterson,D.L.	Sieloff
Benson	Frederickson	Lindgren	Pillsbury	Taylor
Berg	Hughes	Menning	Purfeerst	
Bernhagen	Keefe	Nelson	Renneke	

So the bill passed and its title was agreed to.

S. F. No. 1047: A bill for an act relating to negligent fires; altering minimum sentences for negligent fires; amending Minnesota Statutes 1980, Section 609.576.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Langseth	Peterson,D.L.	Stern
Bang	Engler	Lantry	Peterson,R.W.	Stokowski
Belanger	Frank	Lessard	Petty	Stumpf
Benson	Frederick	Lindgren	Pillsbury	Taylor
Berg	Frederickson	Luther	Purfeerst	Tennessen
Berglin	Hanson	Menning	Ramstad	Ulland
Bernhagen	Hughes	Merriam	Renneke	Vega
Bertram	Humphrey	Moe, D. M.	Rued	Waldorf
Brataas	Johnson	Moe, R. D.	Schmitz	Wegener
Chmielewski	Keefe	Nelson	Setzepfandt	Willet
Dahl	Knoll	Olhoft	Sieloff	
Davies	Knutson	Pehler	Sikorski	
Davis	Kroening	Penny	Solon	
Dicklich	Kronebusch	Peterson,C.C.	Spear	

So the bill passed and its title was agreed to.

S. F. No. 939: A bill for an act relating to human rights; authorizing injunctions for acts of reprisal; increasing the award of punitive damages; permitting the recovery of damages for mental anguish and suffering; amending Minnesota Statutes 1980, Sections 363.06, Subdivision 4; and 363.071, Subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 42 and nays 23, as follows:

Those who voted in the affirmative were:

Belanger	Hanson	Lindgren	Peterson,R.W.	Stokowski
Berglin	Hughes	Luther	Petty	Stumpf
Chmielewski	Humphrey	Merriam	Purfeerst	Tennessen
Dahl	Johnson	Moe, D. M.	Ramstad	Ulland
Davies	Keefe	Moe, R. D.	Setzepfandt	Vega
Davis	Knoll	Nelson	Sikorski	Waldorf
Dicklich	Kroening	Pehler	Solon	
Dieterich	Langseth	Penny	Spear	
Frank	Lantry	Peterson,C.C.	Stern	

Those who voted in the negative were:

Ashbach	Bertram	Knutson	Peterson,D.L.	Taylor
Bang	Brataas	Kronebusch	Pillsbury	Wegener
Benson	Engler	Lessard	Renneke	Willet
Berg	Frederick	Menning	Rued	
Bernhagen	Frederickson	Olhoft	Sieloff	

So the bill passed and its title was agreed to.

S. F. No. 827: A bill for an act relating to arson; prescribing procedures for the investigation of fires by the fire marshal; amending Minnesota Statutes 1980, Sections 299F.08; and 299F.09.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Penny	Sikorski
Bang	Dieterich	Langseth	Peterson,C.C.	Solon
Belanger	Engler	Lantry	Peterson,D.L.	Spear
Benson	Frank	Lessard	Peterson,R.W.	Stern
Berg	Frederick	Lindgren	Petty	Stokowski
Berglin	Frederickson	Luther	Pillsbury	Stumpf
Bernhagen	Hanson	Menning	Purfeerst	Taylor
Bertram	Hughes	Merriam	Ramstad	Tennessen
Brataas	Johnson	Moe, D. M.	Renneke	Ulland
Chmielewski	Keefe	Moe, R. D.	Rued	Vega
Dahl	Knoll	Nelson	Schmitz	Waldorf
Davies	Knutson	Olhoft	Setzepfandt	Wegener
Davis	Kroening	Pehler	Sieloff	Willet

So the bill passed and its title was agreed to.

S. F. No. 1150: A bill for an act relating to the interstate compact on juveniles; amending the compact to require the home state to authorize the return of a runaway juvenile and to permit a state in which a juvenile is found to return him to a state in which the juvenile is charged with being a delinquent by reason of a violation of criminal law; amending Minnesota Statutes 1980, Section 260.51.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kroening	Pehler	Sikorski
Bang	Dieterich	Kronebusch	Penny	Solon
Belanger	Engler	Langseth	Peterson,C.C.	Spear
Benson	Frank	Lantry	Peterson,D.L.	Stern
Berg	Frederick	Lessard	Peterson,R.W.	Stokowski
Berglin	Frederickson	Lindgren	Petty	Stumpf
Bernhagen	Hanson	Luther	Pillsbury	Taylor
Bertram	Hughes	Menning	Ramstad	Tennessen
Brataas	Humphrey	Merriam	Renneke	Ulland
Chmielewski	Johnson	Moe, D. M.	Rued	Vega
Dahl	Keefe	Moe, R. D.	Schmitz	Waldorf
Davies	Knoll	Nelson	Setzepfandt	Wegener
Davis	Knutson	Olhoft	Sieloff	Willet

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Stern in the chair.

After some time spent therein, the committee arose, and Mr. Stern reported that the committee had considered the following:

S. F. Nos. 649, 830, 470, 1104, 98, 1154 and 1002, which the committee recommends to pass.

S. F. No. 227, which the committee recommends to pass with the following

amendment offered by Mr. Davies:

Page 2, line 1, delete ", *three members*"

Page 2, delete line 2

Page 2, line 3, delete "*of the minority caucus,*" and delete "*three*"

Page 2, delete line 4

Page 2, line 5, delete everything before the period and insert " *named by the customary appointing authority in each house*"

The motion prevailed. So the amendment was adopted.

S. F. No. 1057, which the committee recommends to pass with the following amendment offered by Mr. Davies:

Page 1, after line 31, insert:

"Sec. 2. Minnesota Statutes 1980, Section 299F.08, is amended to read:

299F.08 [PREMISES, WHEN ENTERED.]

Subdivision 1. [IMMEDIATE ENTRY.] In the performance of the duties imposed by the provisions of this chapter, the state fire marshal~~,~~ and any of his subordinates, ~~at all times of day or night may enter upon and examine~~ *during and within a reasonable time after a fire has been extinguished, may enter* any building or premises where a fire has occurred and other buildings and premises adjoining or near thereto *to investigate and gather evidence. In determining whether a search is reasonable within the meaning of this subdivision, the need for investigatory search for the cause of the fire shall be balanced against the privacy rights of the occupant or owner of the building or premises.*

Subd. 2. [ADMINISTRATIVE SEARCH WARRANT.] *After the reasonable time prescribed by subdivision 1 for an investigatory search has expired, subsequent entries to the building or premises to investigate and gather evidence may be made only if there is consent from the owner or occupant of the building or premises or pursuant to an administrative search warrant issued by a judge.*

In determining whether to issue an administrative search warrant for the purposes of this subdivision, the judge, in conforming his decision to constitutional doctrine governing warrant procedures for administrative searches, shall consider but not be limited to the following factors:

(a) Scope of the proposed search;

(b) Number of prior entries by fire officials;

(c) Time of day when the search is proposed to be made;

(d) Lapse of time since the fire;

(e) Continued use of the building; and

(f) The owner's or occupant's efforts to secure the building against intruders.

Subd. 3. [CRIMINAL SEARCH WARRANT.] *If during the course of an investigatory search under an administrative search warrant issued in accordance with subdivision 2, the fire marshal or any of his subordinates find*

probable cause to believe arson has occurred and require further access to the building or premises to gather evidence for possible prosecution, a criminal search warrant must be obtained from a judge.

Sec. 3. Minnesota Statutes 1980, Section 299F.09, is amended to read:

299F.09 [BUILDINGS, ENTERED WITHIN REASONABLE HOURS.]

The state fire marshal, his chief assistant, deputies, and subordinates, the chief of the fire department of each city where a fire department is established, the mayor of a city where no fire department exists, or the clerk of a town in territory without the limits of a city, at all reasonable hours may enter into all buildings and upon all premises within their jurisdiction for the purpose of examination, *after proper consent from the occupant or owner or pursuant to an administrative search warrant. If the examination occurs subsequent to a fire, entry into a building or premise is governed by section 299F.08.*''

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert ''prescribing procedures for the investigation of fires;''

Page 1, line 10, after ''1;'' insert ''299F.08; 299F.09;''

The motion prevailed. So the amendment was adopted.

S. F. No. 73, which the committee recommends to pass with the following amendments offered by Messrs. Pehler and Wegener:

Mr. Pehler moved to amend S. F. No. 73 as follows:

Page 6, line 27, strike ''shall include''

Page 6, line 28, strike ''any properties, real or personal,''

Page 6, line 29, strike ''used or useful for''

Page 6, strike line 30

Page 6, line 31, strike ''include'' and insert ''*includes*''

Page 6, after line 35, insert:

''*The term ''project'' also includes any properties real or personal located outside the metropolitan area defined in section 473.122, used or useful for the promotion of tourism in the state.*''

The motion prevailed. So the amendment was adopted.

Mr. Wegener moved to amend S. F. No. 73 as follows:

Page 5, line 18, strike ''*purchaser*'' and insert ''*underwriter*''

Page 8, line 4, after ''notes'' strike ''shall''

The motion prevailed. So the amendment was adopted.

S. F. No. 464, which the committee recommends to pass with the following amendments offered by Mr. Davies:

Mr. Davies moved to amend S. F. No. 464 as follows:

Page 3, line 18, delete ''*registered or*''

Page 4, line 34, delete ''*registered or*''

Page 5, line 22, delete "*presumed delivered*" and insert " *effective*"

Page 6, line 12, delete everything after the period

Page 6, line 13, delete "*the area where the self-service storage facility is located,*"

The motion prevailed. So the amendment was adopted.

Mr. Davies then moved to amend S.F. No. 464 as follows:

Page 3, line 36, before the period, insert ", *and not in connection with real estate rented or leased to the occupant for any residential purpose*"

The motion prevailed. So the amendment was adopted.

On motion of Mr. Stern, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Pehler; Johnson; Merriam; Moe, D.M. and Ulland introduced—

S.F. No. 1363: A bill for an act relating to taxation; delayed assessment of value added by restoration, preservation, and rehabilitation of historically designated buildings; proposing new law coded in Minnesota Statutes, Chapter 273.

Referred to the Committee on Taxes and Tax Laws.

Mr. Chmielewski introduced—

S.F. No. 1364: A bill for an act relating to local government; providing for the separation of the city and town of Sturgeon Lake.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Davis, Dicklich and Solon introduced—

S.F. No. 1365: A bill for an act relating to education; transferring developmental achievement centers from the department of public welfare to the state board of education; appropriating money; amending Minnesota Statutes 1980, Sections 123.39, Subdivision 13; 256E.03, Subdivision 2; and 256E.06, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 120; repealing Minnesota Statutes 1980, Sections 252.21 to 252.261.

Referred to the Committee on Education.

Messrs. Pehler and Davis introduced—

S.F. No. 1366: A bill for an act relating to data processing by certain public bodies; establishing the Minnesota state data processing board; prescribing its powers and duties; appropriating money; amending Minnesota Statutes 1980, Sections 10A.01, Subdivision 18; 16.90, Subdivision 4; 16.911, Subdivision 2; 16.94; 16.95; proposing new law coded as Minnesota Statutes, Chapter

16B; repealing Minnesota Statutes 1980, Sections 16.90, Subdivision 1; 16.91; and 16.955.

Referred to the Committee on Governmental Operations.

Mr. Dieterich introduced—

S.F. No. 1367: A bill for an act relating to taxation; suspending the taxable net income brackets inflation adjustments; imposing an income tax surcharge on individuals; imposing an additional withholding tax.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Bang, Stern, Belanger, Davies and Luther introduced—

S.F. No. 1368: A bill for an act relating to charitable organizations; providing for registration and reporting requirements applicable to certain charitable organizations; amending Minnesota Statutes 1980, Sections 309.52, by adding subdivisions; 309.53, by adding subdivisions; 309.532, by adding a subdivision; and 309.534, by adding a subdivision.

Referred to the Committee on Judiciary.

Messrs. Johnson, Merriam, Willet and Dicklich introduced—

S.F. No. 1369: A bill for an act relating to taxation; imposing a tax on the gross receipts from sales of petroleum products; amending Minnesota Statutes 1980, Section 271.01, Subdivision 5; proposing new law coded as Minnesota Statutes, Chapter 295A.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Stern; Peterson, R.W.; Hanson; Moe, R.D. and Ashbach introduced—

S.F. No. 1370: A resolution declaring Raoul Wallenberg to be an honorary citizen of the State of Minnesota and memorializing the Union of Soviet Socialist Republics to return him to his native country.

Referred to the Committee on Rules and Administration.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Mr. Merriam moved that H. F. No. 886 be withdrawn from the Committee on Judiciary and re-referred to the Committee on Rules and Administration for comparison with S. F. No. 1277, now on General Orders. The motion prevailed.

Mr. Chmielewski moved that H. F. No. 396 be taken from the table. The motion prevailed.

H. F. No. 396: A bill for an act relating to the military; requiring the adjutant general to furnish an American flag upon request of the person disposing of the remains of a deceased person who served six years or more in the Minnesota

national guard; proposing new law coded in Minnesota Statutes, Chapter 192.

Mr. Chmielewski moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 396, 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 appointed on the part of the House. The motion prevailed.

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Monday, April 27, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

FORTIETH DAY

St. Paul, Minnesota, Friday, April 24, 1981

The House of Representatives met on Friday, April 24, 1981, which was the Fortieth Legislative Day of the Seventy-Second Session of the Minnesota State Legislature. The Senate did not meet on this date.

FORTY-FIRST DAY

St. Paul, Minnesota, Monday, April 27, 1981

The Senate met at 9:00 a.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rabbi Bernard Raskas.

The roll was called, and the following Senators answered to their names:

Ashbach	Dieterich	Langseth	Peterson, D.L.	Stern
Bang	Engler	Lantry	Peterson, R.W.	Stokowski
Belanger	Frank	Lessard	Petty	Stumpf
Benson	Frederick	Lindgren	Pillsbury	Taylor
Berg	Frederickson	Luther	Purfeerst	Tennessen
Berglin	Hanson	Menning	Ramstad	Ulland
Bernhagen	Hughes	Merriam	Renneke	Vega
Bertram	Humphrey	Moe, D.M.	Rued	Waldorf
Brataas	Johnson	Moe, R.D.	Schmitz	Wegener
Chmielewski	Keefe	Nelson	Setzepfandt	Willet
Dahl	Knoll	Olhoft	Sieloff	
Davies	Knutson	Pehler	Sikorski	
Davis	Kroening	Penny	Solon	
Dicklich	Kronebusch	Peterson, C.C.	Spear	

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

Mr. Knutson was excused from the Session of today until 11:00 a.m. Mr. Menning was excused from the Session of today from 11:15 a.m to 1:30 p.m. Mr. Olhoft was excused from the Session of today from 11:15 a.m. to 2:00 p.m. Mr. Sieloff was excused from the Session of today from 9:00 to 9:45 a.m. Mr. Tennessen was excused from the Session of today from 9:00 to 10:45 a.m.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

April 23, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S. F. Nos. 275, 354, 692,

917, 454, 416, 347, 336, 331, 197, and 11.

Sincerely yours,

Albert H. Quie, Governor

April 24, 1981

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

The Honorable Jack Davies
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1981 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1981	Date Filed 1981
	117	40	April 23	April 23
	471	41	April 23	April 23
	483	42	April 23	April 23
11		43	April 23	April 23
197		44	April 23	April 23
275		45	April 23	April 23
331		46	April 23	April 23
336		47	April 23	April 23
347		48	April 23	April 23
354		49	April 23	April 23
416		50	April 23	April 23
454		51	April 23	April 23
692		52	April 23	April 23
917		53	April 23	April 23

Sincerely,

Joan Anderson Growe
Secretary of State

February 24, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

The following appointments to the Metropolitan Council are hereby respectfully submitted to the Senate for confirmation as required by law:

Dean T. Maschka, 1965 Millwood, Roseville, Ramsey County, has been appointed by me, effective February 24, 1981, for a term expiring the first Monday in January, 1985.

Thomas W. Newcome, 2374 Joy Avenue, White Bear Lake, Ramsey County, has been appointed by me, effective February 24, 1981, for a term expiring the first Monday in January, 1985.

Joan Campbell, 947 17th Avenue SE, Minneapolis, Hennepin County, has been appointed by me, effective February 24, 1981, for a term expiring the first Monday in January, 1985.

Alton J. Gasper, 5406 Hampshire Drive, Minneapolis, Hennepin County, has been appointed by me, effective February 24, 1981, for a term expiring the first Monday in January, 1985.

Patricia Hasselmo, 516 Westwood Drive South, Golden Valley, Hennepin County, has been appointed by me, effective February 24, 1981, for a term expiring the first Monday in January, 1985.

Roger H. Scherer, 7118 North Willow Lane, Brooklyn Center, Hennepin County, has been appointed by me, effective February 24, 1981, for a term expiring the first Monday in January, 1985.

Mary M. Hauser, 616 Hall Avenue, White Bear Lake, Washington County, has been appointed by me, effective February 24, 1981, for a term expiring the first Monday in January, 1985.

William G. Sando, Rural Route #2, Box 281, Prior Lake, Scott County, has been appointed by me, effective February 24, 1981, for a term expiring the first Monday in January, 1985.

(Referred to the Committee on Governmental Operations.)

Sincerely yours,

Albert H. Quie, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S. F. Nos. 305 and 1044.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 23, 1981

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. 375: A bill for an act relating to Hennepin county; providing for the administration of health care and related services of the county; providing for the administration of the duties and the appointment of the county medical examiner; repealing Laws 1963, Chapter 738, as amended; and Laws 1963, Chapter 848, as amended.

Senate File No. 375 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 23, 1981

Ms. Berglin moved that S. F. No. 375 be laid on the table. 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. 520: A bill for an act relating to elections; allowing cities and counties to elect to use data processing systems in lieu of duplicate registration cards; requiring the secretary of state to prescribe alternate forms for duplicate registration files; changing voter verification requirements for cities and counties which elect to use data processing systems; amending Minnesota Statutes 1980, Sections 201.071, Subdivision 4, and by adding subdivisions; 201.221, Subdivision 4; and 204A.29, by adding a subdivision.

Senate File No. 520 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 23, 1981

CONCURRENCE AND REPASSAGE

Mr. Kroening moved that the Senate concur in the amendments by the House to S. F. No. 520 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 520: A bill for an act relating to elections; allowing cities and counties to elect to use data processsing systems in lieu of duplicate registration cards; requiring the secretary of state to prescribe alternate forms for duplicate registration files; changing voter verification requirements for cities and counties which elect to use data processing systems; amending Laws 1981, Chapter 29, Article II, Section 9; Article II, Section 24; and Article V, Section 10.

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 55 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Kronebusch	Pehler	Sikorski
Bang	Engler	Langseth	Penny	Solon
Belanger	Frank	Lantry	Peterson,C.C.	Spear
Benson	Frederick	Lessard	Peterson,D.L.	Stern
Berglin	Frederickson	Lindgren	Peterson,R.W.	Stokowski
Bernhagen	Hanson	Luther	Petty	Stumpf
Bertram	Hughes	Menning	Pillsbury	Taylor
Brataas	Humphrey	Merriam	Ramstad	Ulland
Chmielewski	Johnson	Moe, D. M.	Rued	Waldorf
Davies	Keefe	Nelson	Schmitz	Wegener
Dicklich	Kroening	Olhoft	Setzepfandt	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 that the House has adopted the recommendation and report of the Conference Committee on House File No. 339, and

repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 339: A bill for an act relating to towns; providing for the opening of cartways under certain circumstances; providing a method for determining whether to open or maintain certain town roads; amending Minnesota Statutes 1980, Sections 164.08, Subdivision 2; and 365.10.

House File No. 339 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 23, 1981

CONFERENCE COMMITTEE REPORT ON H. F. NO. 339

April 21, 1981

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

The Honorable Jack Davies
President of the Senate

We, the undersigned conferees for H. F. No. 339, report that we have agreed upon the items in dispute and recommend as follows:

The Senate recede from its amendment.

We request adoption of this report and repassage of the bill.

House Conferees: (Signed) Thomas R. Berkelman, Lona A. Minne, Joseph R. Begich

Senate Conferees: (Signed) Ronald R. Dicklich, Douglas J. Johnson, Sam G. Solon

Mr. Dicklich moved that the foregoing recommendations and Conference Committee Report on H. F. No. 339 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 339 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 60 and nays 2, as follows:

Those who voted in the affirmative were:

Ashbach	Davis	Langseth	Penny	Sikorski
Bang	Dicklich	Lantry	Peterson,C.C.	Solon
Belanger	Dieterich	Lessard	Peterson,D.L.	Spear
Benson	Engler	Lindgren	Peterson,R.W.	Stern
Berg	Frank	Luther	Petty	Stokowski
Berglin	Frederick	Menning	Pillsbury	Stumpf
Bernhagen	Frederickson	Merriam	Purfeerst	Taylor
Bertram	Hanson	Moe, D. M.	Ramstad	Ulland
Brataas	Hughes	Moe, R. D.	Renneke	Vega
Chmielewski	Humphrey	Nelson	Rued	Waldorf
Dahl	Johnson	Olhoft	Schmitz	Wegener
Davies	Keefe	Pehler	Setzepfandt	Willet

Mr. Kroening and Mrs. Kronebusch voted in the negative.

So the bill, as amended by the Conference Committee, 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 House Files, herewith transmitted: H. F. Nos. 588, 1218, 1421, 188, 697, 732, 889, 25, 35, 54, 126, 137, 192, 590 and 1434.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 23, 1981

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S. F. Nos. 219, 249, 330 and 339.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 24, 1981

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. 145: A bill for an act relating to crimes; authorizing notices of dishonored checks to be made by certified or regular mail and an affidavit of service by mailing; amending Minnesota Statutes 1980, Section 609.535, Subdivision 3.

Senate File No. 145 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 24, 1981

CONCURRENCE AND REPASSAGE

Mr. Wegener moved that the Senate concur in the amendments by the House to S. F. No. 145 and that the bill be placed on its repassage as amended. The motion prevailed.

Mr. Wegener moved that S. F. No. 145 be laid on the table. The motion prevailed.

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. 760: A bill for an act relating to occupational and professional licensing; removing the consecutive term restriction from the board of nursing; removing delinquent and non-practicing statuses; providing for nursing per-

mits; repealing outdated statutes; amending Minnesota Statutes 1980, Sections 148.181, Subdivision 2; 148.231, Subdivisions 1, 4, 5, and 6; 148.271; 148.294 and 148.295; repealing Minnesota Statutes 1980, Section 148.231, Subdivision 2.

Senate File No. 760 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 24, 1981

CONCURRENCE AND REPASSAGE

Mr. Frank moved that the Senate concur in the amendments by the House to S. F. No. 760 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 760: A bill for an act relating to occupational and professional licensing; removing the consecutive term restriction from the board of nursing; requiring distribution of licensure requirements to secondary school counselors; removing delinquent and non-practicing statutes; providing for nursing permits; repealing outdated statutes; providing for advanced standing for licensed practical nurses; amending Minnesota Statutes 1980, Sections 148.181, Subdivision 2; 148.211, Subdivision 1; 148.231, Subdivisions 1, 4, 5, and 6; 148.251, by adding a subdivision; 148.271; 148.291, Subdivision 1; 148.294 and 148.295; repealing Minnesota Statutes 1980, Section 148.231, Subdivision 2.

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 63 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Penny	Solon
Bang	Dieterich	Langseth	Peterson,C.C.	Spear
Belanger	Engler	Lantry	Peterson,D.L.	Stern
Benson	Frank	Lessard	Petty	Stokowski
Berg	Frederick	Lindgren	Pillsbury	Stumpf
Berglin	Frederickson	Luther	Purfeerst	Taylor
Bernhagen	Hanson	Menning	Ramstad	Ulland
Bertram	Hughes	Merriam	Renneke	Vega
Brataas	Humphrey	Moe, D. M.	Rued	Waldorf
Chmielewski	Johnson	Moe, R. D.	Schmitz	Wegener
Dahl	Keefe	Nelson	Setzepfandt	Willet
Davies	Knoll	Olhoft	Sieloff	
Davis	Kroening	Pehler	Sikorski	

So the bill, as amended, was repassed and its title was agreed to.

Without objection, the Senate proceeded to the Order of Business of Motions and Resulutions.

MOTIONS AND RESOLUTIONS

Ms. Berglin moved that S. F. No. 375 be taken from the table. The motion prevailed.

CONCURRENCE AND REPASSAGE

Ms. Berglin moved that the Senate concur in the amendments by the House

to S. F. No. 375 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 375: A bill for an act relating to Hennepin county; providing for the administration of health care and related services of the county; providing for the administration of the duties and the appointment of the county medical examiner; repealing Laws 1963, Chapter 738, as amended; and Laws 1963, Chapter 848, as amended.

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 63 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Langseth	Peterson,C.C.	Solon
Bang	Engler	Lantry	Peterson,D.L.	Spear
Belanger	Frank	Lessard	Peterson,R.W.	Stern
Benson	Frederick	Lindgren	Petty	Stokowski
Berg	Frederickson	Luther	Pillsbury	Stumpf
Berglin	Hanson	Menning	Purfeerst	Taylor
Bernhagen	Hughes	Merriam	Ramstad	Ulland
Bertram	Humphrey	Moe, D. M.	Renneke	Vega
Brataas	Johnson	Moe, R. D.	Rued	Waldorf
Chmielewski	Keefe	Nelson	Schmitz	Wegener
Dahl	Knoll	Olhoft	Setzepfandt	Willet
Davies	Kroening	Pehler	Sieloff	
Davis	Kronebusch	Penny	Sikorski	

So the bill, as amended, was repassed and its title was agreed to.

Without objection, the Senate reverted to the Order of Business of First Reading of House Bills.

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H. F. No. 588: A bill for an act relating to financial institutions; providing for maximum interest rates on overdraft checking loans; amending Minnesota Statutes 1980, Section 48.185, Subdivision 3.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 308, now on General Orders.

H. F. No. 1218: A bill for an act relating to education; extending due dates for plans and reports relating to the statewide education management information system; authorizing the state board to perform certain duties according to specified criteria in the absence of rules; amending Minnesota Statutes 1980, Sections 121.931, Subdivisions 3, 4 and 7; and 121.938, Subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 1287, now on General Orders.

H. F. No. 1421: A bill for an act relating to the organization and operation of state government; appropriating money for education and related purposes, including the department of education, higher education coordinating board, state universities, community colleges, and the university of Minnesota and its

hospitals, with certain conditions; amending Minnesota Statutes 1980, Sections 15.38; 121.931, Subdivision 5; 123.742, by adding a subdivision; 123.743; and 136A.121, Subdivisions 4 and 5.

Referred to the Committee on Finance.

H. F. No. 188: A bill for an act relating to financial institutions; increasing the maximum lawful interest rate chargeable by state banks and savings banks on certain transactions; amending Minnesota Statutes 1980, Section 48.195.

Referred to the Committee on Commerce.

H. F. No. 697: A bill for an act relating to agriculture; regulating alien use of agricultural land; providing penalties; amending Minnesota Statutes 1980, Section 500.221.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 733.

H. F. No. 732: A bill for an act relating to agriculture; providing for continuation of certain farm tenancies on termination of life estates; proposing new law coded in Minnesota Statutes, Chapter 500.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 1075.

H. F. No. 889: A bill for an act relating to water well contractors; altering the exemption from license requirements for certain registered professional engineers; providing for licensing of thermal exchange devices; amending Minnesota Statutes 1980, Sections 156A.02, by adding a subdivision; and 156A.03, Subdivision 3.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 1223, now on General Orders.

H. F. No. 25: A bill for an act relating to courts; changing the compensation of Hennepin County conciliation court referees; providing for the establishment of misdemeanor violation bureaus for Hennepin County; amending Minnesota Statutes 1980, Sections 488A.08, Subdivision 1; and 488A.13, Subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 1335.

H. F. No. 35: A resolution memorializing Congress to enact legislation relating to the early release of election returns.

Referred to the Committee on Elections and Reapportionment.

H. F. No. 54: A bill for an act relating to meetings of public bodies; allowing public employers to determine negotiation strategy at a nonpublic meeting; amending Minnesota Statutes 1980, Section 471.705, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 392, now on General Orders.

H. F. No. 126: A bill for an act relating to waters; requiring posting and publication of notice of aeration operations by a permittee of the commissioner of natural resources; establishing a presumption of due care; changing and

clarifying administrative provisions regarding watershed districts; permitting use of a map to show notification of an assessment area; amending Minnesota Statutes 1980, Sections 112.36; 112.53, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 378.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 415.

H. F. No. 137: A bill for an act relating to the legislature; establishing a legislative commission on efficiency and economy in state government; proposing new law coded in Minnesota Statutes, Chapter 3.

Referred to the Committee on Governmental Operations.

H. F. No. 192: A bill for an act relating to labor; regulating migrant labor; requiring employers and recruiters to provide employment statements to migrant workers; setting requirements for employment statements and for payment of wages to migrant workers; providing for private causes of action; proposing new law coded in Minnesota Statutes, Chapter 181.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 413.

H. F. No. 590: A bill for an act relating to highways; providing criteria for determining the population of a city for the purposes of the municipal state-aid street system; amending Minnesota Statutes 1980, Section 162.09, Subdivision 4.

Referred to the Committee on Local Government and Urban Affairs.

H. F. No. 1434: A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and for other agencies with certain conditions; amending Minnesota Statutes 1980, Sections 12.14; 43.491, Subdivision 2; 46.131, Subdivision 3; 161.242, Subdivision 4; 169.451; 173.25; 174.255, by adding a subdivision; 216B.62, Subdivision 3, and by adding a subdivision; 237.295, Subdivision 2, and by adding a subdivision; 239.10; 239.52; 326.241, Subdivision 3; 326.244, Subdivision 2; 340.11, Subdivision 14; 340.113, Subdivision 2; 340.119, Subdivision 3; 340.402; 340.493, Subdivision 2; 340.62; 360.021, Subdivisions 1 and 2; 360.305, by adding subdivisions; 388.14; 388.19, Subdivision 1; and 414.051; proposing new law coded in Minnesota Statutes, Chapter 138.

Referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Hughes from the Committee on Education, to which was referred

H. F. No. 817: A bill for an act relating to education; permitting the operation of single sex wrestling teams; amending Minnesota Statutes 1980, Section 126.21, Subdivision 3.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 1247: A bill for an act relating to education; permitting districts to purchase insurance coverage for the operation of leased buses in certain circumstances; amending Minnesota Statutes 1980, Section 123.39, Subdivisions 8 and 9 and by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 5, reinstate the stricken language and delete the new language

Page 2, line 10, after "may" insert "*purchase and*"

Page 2, line 14, delete "*by the insurer*"

Page 2, line 24, before "*coverage*" insert "*insurance*"

Page 2, line 24, delete "*under the insurance policy*"

Page 2, line 25, delete ". *The liability coverage indemnifying the lessee may not*" and insert "*and to protect the board and the district, in any amount not exceeding the limits of coverage provided for the insurance*"

Page 2, line 26, delete "*exceed the coverage*"

Page 2, line 27, before the period, insert "*against claims for injuries and damages arising out of the use and operation of a district-owned bus while it is leased or rented to the lessee pursuant to subdivision 8*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Employment, to which was referred

S. F. No. 764: A bill for an act relating to unemployment compensation; providing that holiday pay not be deducted from benefits; amending Minnesota Statutes 1980, Section 268.07, Subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 1980, Section 268.04, Subdivision 2, is amended to read:

Subd. 2. "Base period" means the period of fifty-two calendar weeks immediately preceding the first day of an individual's benefit year. Provided, however, that if a claimant received weekly worker's compensation for temporary total disability under the provisions of chapter 176 or under a similar law of the United States *or of the several states* for more than seven weeks within the base period, as heretofore defined, his base period shall be lengthened by the number of such weeks, but not to exceed 52 weeks, for which he received such payments; provided further, that no extended base period shall include wage credits upon which benefits were established and paid with respect to a prior valid claim."

Page 2, line 35, delete "*This act*" and insert "*Section 1 is effective retroactively to January 1, 1980, and applies to claims for benefits filed on and after*

that date. Section 2''.

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert ''clarifying the provisions extending the base period in cases of the receipt of certain workers' compensation benefits;''

Page 1, line 4, delete ''Section'' and insert ''Sections 268.04, Subdivision 2; and''

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government and Urban Affairs, to which was referred

S. F. No. 1212: A bill for an act relating to municipalities; discontinuance of unprofitable municipal liquor stores; restricting expenditure of public funds for liquor store operation; publication of operating statement; amending Minnesota Statutes 1980, Section 340.353, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapters 426 and 471.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 15, delete ''*for each*'' and insert ''*in any two*''

Page 1, delete line 16 and insert ''*has shown that no contribution to other municipal funds has been made from the net income*''

Page 1, line 17, delete ''*than 25 percent over a period*'' and insert ''*of the operation in any two*''

Page 1, line 21, after the period, insert ''*Two weeks notice, written in clear and easily understandable language, of the hearing shall be printed in the city's official newspaper.*''

Page 2, line 7, after ''*funds*'' insert ''*under its control*''

Page 2, line 7, after ''*except*'' insert ''*for capital improvements or*''

Page 2, line 13, delete ''*in a newspaper published in the*''

Page 2, line 14, delete ''*city or if there is no newspaper in the city then*''

Page 2, line 15, after the period, insert ''*The statement shall be headlined, in a type size no smaller than 18 point: ''Analysis of ____(city)____municipal liquor store operations for __(year)__'' and shall be written in clear and easily understandable language. It shall contain the following information: total sales, cost of sales, gross profit, profit as percent of sales, operating expenses, operating income, contributions to and/or from other funds, capital outlay, interest paid and debt retired. The form and style of the statement shall be prescribed by the state auditor.*''

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson from the Committee on Taxes and Tax Laws, to which was

referred

H. F. No. 386: A bill for an act relating to the city of St. Paul; authorizing issuance of general obligation bonds for capital improvements; fixing amounts; amending Laws 1971, Chapter 773, Section 1, as amended; and Laws 1978, Chapter 788, Section 5.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 5, reinstate the stricken language and delete the new language

Page 2, line 7, strike "as finally equalized" and delete the new language

Page 2, line 8, delete the new language

Page 2, line 11, reinstate the stricken language and delete the new language

Page 3, line 14, delete "*And*" and delete "*moneys*" and insert "*money*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson from the Committee on Taxes and Tax Laws, to which was re-referred

S. F. No. 1265: A bill for an act relating to the Ramsey-Washington Metro watershed district; permitting deferral of special assessments in certain cases of hardship.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 8, after "*district*" insert "*board of managers*"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Employment, to which was referred

S. F. No. 413: A bill for an act relating to labor; regulating migrant labor; requiring employers and recruiters to provide employment statements to migrant workers; setting requirements for employment statements and for payment of wages to migrant workers; providing for private causes of action; proposing new law coded in Minnesota Statutes, Chapter 181.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 23, delete "*grower or*"

Page 1, line 24, delete "*and*" and insert "*or*"

Page 3, line 3, delete "*two*" and insert "*three*"

Page 3, line 4, after "*Subd*" insert a period

Page 3, line 5, delete "*30*" and insert "*70*"

Page 3, line 5, after "*hours*" delete "*of*" and insert "*pay for*"

Page 3, line 6, delete "*per week and 70 hours of work*"

Page 3, line 6, after "*two*" insert "*successive*"

Page 3, line 7, delete "*numbers of*" and insert "*pay for*"

Page 3, line 8, delete "*be*" and insert "*provide a sum of pay*"

Page 3, line 9, after "*difference*" insert "*within three days after the scheduled payday for the pay period involved*" and after the period delete "*The work*"

Page 3, delete line 10

Page 3, line 11, delete "*of work specified in the employment statement.*"

Page 3, line 14, after the period, insert "*Any pay in addition to the hourly wage rate specified in the employment statement shall be applied against the guarantee.*"

Page 3, line 16, delete "*day after arrival at the place of*" and insert "*date on which employment is to begin,*"

Page 3, delete line 17

Page 3, line 18, delete "*place of employment*"

Page 3, line 18, delete the comma

Page 3, line 19, delete "*whichever occurs later*"

Page 3, line 19, after the period, insert "*The date on which employment is to begin may be changed by the employer by written, telephonic, or telegraphic notice to the migrant worker, at his last known address, no later than ten days prior to the previously stated beginning date. The migrant worker shall contact the recruiter to obtain the latest information regarding the date upon which employment is to begin no later than five days prior to the previously stated beginning date. This guarantee shall be reduced, when there is no work available for a period of seven or more consecutive days during any two week period subsequent to the commencement of work, by five hours pay for each such day, when the unavailability of work is caused by climatic conditions or an act of God, provided that the employer pays the migrant worker, on the normal pay day, the sum of $5 for each such day.*"

Page 4, line 18, delete "*liquidated damages*" and insert " *the appropriate penalty*"

Page 4, line 19, after the period, insert "*The court may also award court costs and a reasonable attorney's fee.*" and delete "*amount of liquidated*"

Page 4, line 20, delete "*damages*" and insert "*penalties*"

Page 4, line 22, delete "*$250*" and insert "*$50*"

Page 4, line 34, delete "*and*"

Page 4, after line 34, insert:

"*(5) Whenever the court finds that an employer has failed to pay wages to a migrant worker within a time period set forth in section 3, subdivision 2 or 3, $250; and*"

Page 4, line 35, delete "*(5)*" and insert "*(6)*" and delete " *liquidated damages*" and insert "*penalties*"

Page 5, after line 11, insert:

"Sec. 7. [181.91] [PRESERVATION OF EXISTING REMEDIES.]

The remedies provided in sections 1 to 6 are not exclusive, but are in addition to remedies provided in other law."

Page 5, line 12, delete "7" and insert "8"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

H. F. No. 462: A bill for an act relating to commerce; requiring invoices on certain repairs; amending Minnesota Statutes 1980, Sections 325F.60; and 325F.64.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, delete "*the*" and insert "*a*"

Page 1, line 13, after the first comma, insert "*a*"

Page 1, line 14, after the first "*or*" insert "*an*"

Page 1, line 15, after "*value*" delete "*price*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

H. F. No. 509: A bill for an act relating to commerce; requiring disclosure in motor vehicle transactions; proposing new law coded in Minnesota Statutes, Chapter 168.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 8, after "[DEFINITION.]" insert "*For the purposes of this section: (a)*"

Page 1, line 8, delete "*as used in*"

Page 1, line 9, delete "*this section*"

Page 1, after line 11, insert:

"*(b) The term "contract" means a written agreement between a seller and a purchaser for the sale of a motor vehicle, but not including a conditional sales contract entered into pursuant to a separate purchase agreement that contains the disclosures contained in this section.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

H. F. No. 121: A bill for an act relating to intoxicating liquor; authorizing the sale and dispensing of liquor at the I.R.A. arena in Grand Rapids.

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 1980, Section 340.11, is amended by adding a subdivision to read:

Subd. 11c. [SALE OF LIQUOR AT SPORTS OR CONVENTION FACILITIES.] *The governing body of any municipality as defined in section 340.07, subdivision 11, may by ordinance authorize any holder of an on-sale intoxicating liquor license issued by the municipality or by an adjacent municipality to dispense intoxicating liquor at any convention, banquet, conference, meeting or social affair conducted on the premises of a sports or convention facility owned by the municipality or instrumentality thereof having independent policymaking and appropriating authority, and located within the municipality. The licensee must be engaged to dispense intoxicating liquor at such an event held by a person or organization permitted to use the premises, and may dispense intoxicating liquor only to persons attending the event. The licensee shall not dispense intoxicating liquor to any person attending or participating in any amateur athletic event held on the premises. The dispensing of intoxicating liquor shall be subject to all laws and ordinances governing the dispensing of intoxicating liquor as are not inconsistent herewith. All dispensing of intoxicating liquor shall be in accordance with terms and conditions prescribed by the municipality, and such terms and conditions may limit the dispensing of intoxicating liquor to designated areas of the facility. The municipality may fix and assess a fee to be paid to the municipality by an on-sale licensee for each occasion where the licensee is engaged to dispense intoxicating liquor. The authority granted by this subdivision shall not be construed as counting as an additional on-sale intoxicating liquor license for purposes of determining the number of liquor licenses permitted to be issued under the provisions of section 340.11.*

Sec. 2. [PRIOR LAWS.]

Nothing in this act shall be construed to affect the provisions of any act enacted prior to the effective date of this act authorizing any municipality to permit the dispensing of intoxicating liquor at any publicly owned sports or convention facility.

Sec. 3. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Amend the title as follows:

Page 1, delete lines 2 to 4 and insert:

"relating to intoxicating liquor; authorizing municialities to permit on-sale of liquor at publicly-owned sports or convention facilities by existing licensees; amending Minnesota Statutes 1980, Section 340.11, by adding a subdivision."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

H. F. No. 321: A bill for an act relating to the city of St. Paul; authorizing the issuance of a license for the sale of intoxicating liquor at Town Square Park.

Reports the same back with the recommendation that the bill be amended as

follows:

Page 1, line 18, after "*organization*" insert "*or a political committee as defined in section 210A.01, subdivision 8*"

Page 1, line 21, after the period, insert "*If the person, organization or corporation which receives the license pursuant to this section does not hold another "on-sale" license, it shall contract with an existing licensee to dispense the liquor.*"

Page 2, line 4, after "*organization*" insert "*or a political committee as defined in section 210A.01, subdivision 8*"

Page 2, line 4, after the period, insert "*The licensee shall comply with the requirements of chapter 340 with respect to liability insurance or other form of financial responsibility.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 1160: A bill for an act relating to public utilities; extending an option as to rate regulation by the public utilities commission to certain small telephone companies; amending Minnesota Statutes 1980, Sections 237.01; 237.075, Subdivision 9; and 237.081, Subdivision 1a.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 25, after the period, insert "*For purposes of this section, the term "member or stockholder" shall mean either the member or stockholder of record or the spouse of the member or stockholder unless the association has been notified otherwise in writing.*"

Page 3, line 6, after the period, insert "*For purposes of this section, the term "customer" shall mean either the person in whose name the telephone service is registered or the spouse of the person unless the municipal utility has been notified otherwise in writing.*"

Page 3, line 25, after the period, insert "*For purposes of this section, the term "subscriber" shall mean either the person in whose name the telephone service is registered or the spouse of the person unless the independent telephone company has been notified otherwise in writing.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 665: A bill for an act relating to insurance; establishing standards applicable to accident or health insurance policies which purport to supplement medicare benefits; prescribing minimum levels of coverage; providing for certain disclosures; and prescribing penalties; proposing new law coded in Minnesota Statutes, Chapter 62A.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"MEDICARE SUPPLEMENT INSURANCE

Section 1. [62A.31] [MEDICARE SUPPLEMENT BENEFITS; MINIMUM STANDARDS.]

Subdivision 1. [POLICY REQUIREMENTS.] *No individual or group policy, certificate, subscriber contract or other evidence of accident and health insurance issued or delivered in this state shall be sold or issued to an individual age 65 or older covered by medicare unless the following requirements are met:*

(a) The policy must provide a minimum of the coverage set out in subdivision 2;

(b) The policy must cover pre-existing conditions during the first six months of coverage if the insured was not diagnosed or treated for the particular condition during the 90 days immediately preceding the effective date of coverage;

(c) The policy must contain a provision that the plan will not be canceled or nonrenewed on the grounds of the deterioration of health of the insured; and

(d) An outline of coverage as provided in section 9 must be delivered at the time of application and prior to payment of any premium.

The requirements of sections 1 to 12 shall not apply to individual travel accident policies or group policies of accident and health insurance which do not purport to supplement medicare issued to any of the following groups:

(a) A policy issued to an employer or employers or to the trustee of a fund established by an employer where only employees or retirees of the employer are eligible for coverage.

(b) A policy issued to a labor union or similar employee organization.

(c) A policy issued to an association, a trust or the trustee of a fund established, created or maintained for the benefit of members of one or more associations. The association or associations shall have at the outset a minimum of 100 persons; shall have been organized and maintained in good faith for purposes other than that of obtaining insurance; shall have a constitution and by-laws which provide that (1) the association or associations hold regular meetings not less frequently than annually to further purposes of the members, (2) except for credit unions, the association or associations collect dues or solicit contributions from members, and (3) the members have voting privileges and representation on the governing board and committees.

Subd. 2. [GENERAL COVERAGE.] *For a policy to meet the requirements of this section it must contain a designation specifying whether the policy is a medicare supplement 1+, 1, 2, or 3, a caption stating that the commissioner has established four categories of medicare supplement insurance and minimum standards for each, with medicare supplement 1+ being the most comprehensive and medicare supplement 3 being the least comprehensive, and minimum coverage prescribed for each category in sections 2 to 5.*

Sec. 2. [62A.32] [MEDICARE SUPPLEMENT 1+; QUALIFIED COVERAGE.]

Medicare supplement 1+ must have a level of coverage so that it will be

certified as a qualified plan pursuant to chapter 62E, and will provide:

(a) Coverage of part A medicare eligible expenses for hospitalization to the extent not covered by medicare to at least 50 percent of the deductible and co-payment required under medicare for the first 60 days of any medicare benefit period;

(b) Coverage of part A medicare eligible expenses for hospitalization to the extent not covered by medicare from the 61st day through the 90th day in any medicare benefit period;

(c) Coverage of part A medicare eligible expenses incurred as daily hospital charges during use of medicare's lifetime hospital inpatient reserve days to the extent not covered by medicare;

(d) Upon exhaustion of all medicare hospital inpatient coverage including the lifetime reserve days, coverage of 90 percent of all medicare part A eligible expenses for hospitalization not covered by medicare subject to a lifetime maximum benefit of an additional 365 days;

(e) Coverage of 20 percent of the amount of medicare eligible expenses under part B regardless of hospital confinement and coverage of at least 50 percent of the medicare calendar year part B deductible;

(f) 80 percent of charges for covered services described in section 62E.06, subdivision 1, which charges are not paid by medicare or pursuant to paragraphs (a) to (e); and

(g) Shall include a limitation of $1,000 per person on total annual out-of-pocket expenses for the covered services.

Sec. 3. [62A.33] [MEDICARE SUPPLEMENT 1; NON-QUALIFIED COVERAGE.]

Medicare supplement 1 must have a level of coverage that, at a minimum, will provide:

(a) Coverage of part A medicare eligible expenses for hospitalization to the extent not covered by medicare to at least 50 percent of the deductible and co-payment required under medicare for the first 60 days of any medicare benefit period;

(b) Coverage of part A medicare eligible expenses for hospitalization to the extent not covered by medicare from the 61st day through the 90th day in any medicare benefit period;

(c) Coverage of part A medicare eligible expenses incurred as daily hospital charges during use of medicare's lifetime hospital inpatient reserve days to the extent not covered by medicare;

(d) Upon exhaustion of all medicare hospital inpatient coverage including the lifetime reserve days, coverage of 90 percent of all medicare part A eligible expenses for hospitalization not covered by medicare subject to a lifetime maximum benefit of an additional 365 days; and

(e) Coverage of 20 percent of the amount of medicare eligible expenses under part B regardless of hospital confinement and coverage of the medicare calendar year part B deductible and a maximum benefit of at least $5,000 per calendar year; and

(f) 50 percent of charges for covered services described in section 62E.06, subdivision 1, which charges are not paid by medicare or pursuant to paragraphs (a) to (e).

Sec. 4. [62A.34] [MEDICARE SUPPLEMENT 2; NON-QUALIFIED COVERAGE.]

Medicare supplement 2 must have a level of coverage that, at a minimum, will provide:

(a) Coverage of part A medicare eligible expenses for hospitalization to the extent not covered by medicare from the 61st day through the 90th day in any medicare benefit period;

(b) Coverage of part A medicare eligible expenses incurred as daily hospital charges during use of medicare's lifetime hospital inpatient reserve days to the extent not covered by medicare;

(c) Upon exhaustion of all medicare hospital inpatient coverage including the lifetime reserve days, coverage of 90 percent of all medicare part A eligible expenses for hospitalization not covered by medicare subject to lifetime maximum benefit of an additional 365 days; and

(d) Coverage of 20 percent of the amount of medicare eligible expenses under part B regardless of hospital confinement and coverage of the medicare calendar year part B deductible and a maximum benefit of at least $5,000 per calendar year.

Sec. 5. [62A.35[[MEDICARE SUPPLEMENT 3; NON-QUALIFIED COVERAGE.]

Medicare supplement 3 must have a level of coverage that, at a minimum, will provide:

(a) Coverage of part A medicare eligible expenses for hospitalization to the extent not covered by medicare from the 61st day through the 90th day in any medicare benefit period;

(b) Coverage of part A medicare eligible expenses incurred as daily hospital charges during use of medicare's lifetime hospital inpatient reserve days to the extent not covered by medicare;

(c) Upon exhaustion of all medicare hospital inpatient coverage including the lifetime reserve days, coverage of 90 percent of all medicare part A eligible expenses for hospitalization not covered by medicare subject to a lifetime maximum benefit of an additional 365 days; and

(d) Coverage of 20 percent of the amount of medicare eligible expenses under part B regardless of hospital confinement and coverage of a maximum calendar year out-of-pocket deductible of $200 of such expenses and to a maximum benefit of at least $5,000 per calendar year.

Sec. 6. [62A.36] [LOSS RATIO STANDARDS.]

Subdivision 1. [MINIMUM LOSS RATIOS.] *Notwithstanding the provisions of section 62A.02, subdivision 3, relating to loss ratios, medicare supplement policies shall be expected to return to policyholders in the form of aggregate benefits under the policy, as estimated for the entire period for which rates are computed to provide coverage, on the basis of incurred claims*

experience and earned premiums for such period and in accordance with accepted actuarial principles and practices:

(a) At least 75 percent of the aggregate amount of premiums collected in the case of group policies, and

(b) At least 65 percent of the aggregate amount of premiums collected in the case of individual policies.

Subd. 2. [SOLICITATIONS BY MAIL OR MEDIA ADVERTISEMENT.] *For purposes of this section, medicare supplement policies issued as a result of solicitations of individuals through the mail or mass media advertising, including both print and broadcast advertising, shall be treated as individual policies.*

Sec. 7. [62A.37] [SEALS AND EMBLEM PROHIBITED.]

No graphic seal or emblem shall be displayed on any policy or promotional literature to indicate or give the impression that there is any connection, certification, approval or endorsement from medicare or any governmental body.

Sec. 8. [62A.38] [NOTICE OF FREE EXAMINATION.]

Medicare supplement policies or certificates, other than those issued pursuant to direct response solicitation, shall have a notice prominently printed on the first page of the policy or attached thereto stating in substance that the policyholder or certificate holder shall have the right to return the policy or certificate within 30 days of its delivery and to have the premium refunded in full if, after examination of the policy or certificate, the insured person is not satisfied for any reason. Medicare supplement policies or certificates, issued pursuant to a direct response solicitation to persons eligible for medicare by reason of age, shall have a notice prominently printed on the first page or attached thereto stating in substance that the policyholder or certificate holder shall have the right to return the policy or certificate within 30 days of its delivery and to have the premium refunded if, after examination, the insured person is not satisfied for any reason.

Sec. 9. [62A.39] [DISCLOSURE.]

No individual medicare supplement plan shall be delivered or issued in this state and no certificate shall be delivered pursuant to a group medicare supplement plan delivered or issued in this state unless an outline containing at least the following information is delivered to the applicant at the time the application is made:

(a) A description of the principal benefits and coverage provided in the policy;

(b) A statement of the exceptions, reductions, and limitations contained in the policy including the following language, as applicable, in bold print: "THIS POLICY DOES NOT COVER ALL MEDICAL EXPENSES BEYOND THOSE COVERED BY MEDICARE. THIS POLICY DOES NOT COVER ALL SKILLED NURSING HOME CARE EXPENSES AND DOES NOT COVER CUSTODIAL NURSING CARE.";

(c) A statement of the renewal provisions including any reservations by the insurer of a right to change premiums;

(d) A statement that the outline of coverage is a summary of the policy issued or applied for and that the policy should be consulted to determine governing contractual provisions; and

(e) A statement of the policy's loss ratio as follows: "This policy provides an anticipated loss ratio of [__%]. This means that, on the average, policyholders may expect that [$___] of every $100.00 in premium will be returned as benefits to policyholders over the life of the contract.".

Sec. 10. [62A.40] [REPLACEMENT.]

No insurer or agent shall replace a medicare supplement plan with another medicare supplement plan of the same category unless there is a substantial difference in cost favorable to the policyholder, or the insured has previously demonstrated a dissatisfaction with the service he is presently receiving from his current insurer. An insurer or agent may replace a medicare supplement plan with a less comprehensive plan only if the prospective insured signs an acknowledgment that he understands that he will receive less benefits under the new policy than under the policy he presently has in force.

Sec. 11. [62A.41] [PENALTIES.]

Any insurer, general agent, agent, or other person who knowingly or willfully, either directly or indirectly, makes or causes to be made or induces or seeks to induce the making of any false statement or representation of a material fact with respect to compliance of any policy with the standards and requirements set forth in this section; falsely assumes or pretends to be acting, or misrepresents in any way that he is acting, under the authority or in association with medicare, or any federal agency, for the purpose of selling or attempting to sell insurance, or in such pretended character demands, or obtains money, paper, documents, or anything of value; or knowingly sells a health insurance policy to an individual entitled to benefits under part A or part B of medicare with the knowledge that such policy substantially duplicates health benefits to which such individual is otherwise entitled under a requirement of state or federal law other than under medicare shall be guilty of a felony and subject to a civil penalty of not more than $5,000 per violation, and the commissioner may revoke or suspend the license of any company, association, society, other insurer, or agent thereof.

Sec. 12. [62A.42] [RULEMAKING AUTHORITY.]

To carry out the purposes of this section, the commissioner may promulgate rules pursuant to chapter 15. These rules may:

(a) Prescribe additional disclosure requirements for medicare supplement plans, designed to adequately inform the prospective insured of the need and extent of coverage offered;

(b) Prescribe uniform policy forms in order to give the insurance purchaser a reasonable opportunity to compare the cost of insuring with various insurers; and

(c) Establish other reasonable standards to further the purpose of this section.

Sec. 13. Minnesota Statutes 1980, Section 62E.02, Subdivision 5, is amended to read:

Subd. 5. "Qualified medicare supplement plan" means those health benefit plans which have been certified by the commissioner as providing the minimum benefits required by section 62E.07 ~~or the actuarial equivalent of those benefits~~."

Amend the title as follows:

Page 1, line 6, after "penalties;" insert "amending Minnesota Statutes 1980, Section 62E.02, Subdivision 5;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 1087: A bill for an act relating to insurance; providing for the examination of certain insurers; requiring certain reports and providing certain alternatives to examinations; authorizing the commissioner to promulgate rules; broadening the commissioner's power to revoke or suspend certificates of authority; expanding certain insurers' investment authority; allowing the commissioner to regulate an insurer's ratio of qualified assets to required liabilities; broadening the coverage of the financial statement requirement; providing for annual audits; providing standards for the investment of assets of insurance companies; allowing the use of certain depositories and systems; providing certain limitations on the acquisition of specified investments and holdings; providing for miscellaneous changes and clarifications; amending Minnesota Statutes 1980, Sections 60A.031, Subdivisions 1, 3, 4, 5, and by adding subdivisions; 60A.05; 60A.11, by adding subdivisions; 60A.13, Subdivisions 1 and 6, and by adding subdivisions; 61A.28, Subdivisions 2, 3, and 6; 61A.282; 61A.29, Subdivision 2; 61A.30; 61A.31, Subdivisions 1 and 3; proposing new law coded in Minnesota Statutes, Chapters 60A and 61A; repealing Minnesota Statutes 1980, Sections 60A.031, Subdivision 2; and 60A.11, Subdivisions 2 to 8.

Reports the same back with the recommendation that the bill be amended as follows:

Page 7, line 6, strike "; FOREIGN COMPANIES AND"

Page 7, line 7, strike "THEIR AGENTS"

Page 7, line 16, delete "*interets*" and insert "*interests*"

Page 13, line 7, delete "*clause*" and insert "*paragraph*"

Page 13, line 15, delete "*clauses*" and insert "*paragraphs*"

Page 13, line 15, after "*(a)*" insert ", *clause*"

Page 15, line 2, delete "*clauses*" and insert "*paragraphs*"

Page 16, line 36, delete "*subparagraphs*" and insert " *subclauses*"

Page 16, line 36, delete "*through*" and insert "*to*"

Page 17, line 1, delete "*paragraph*" and insert "*clause*"

Page 17, lines 9 and 13, delete "*clause*" and insert " *paragraph*"

Page 18, lines 5 and 26, delete "*clause*" and insert " *paragraph*"

Page 18, line 30, delete "*clauses*" and insert "*paragraphs*"

Page 19, line 6, delete "*clause*" and insert "*paragraph*"

Page 19, line 14, delete "*clauses*" and insert "*paragraphs*"

Page 19, line 28, delete "*paragraphs*" and insert "*clauses*"

Page 20, lines 15 and 29, delete "*clause*" and insert "*paragraph*"

Page 21, line 25, delete "*clause*" and insert "*paragraph*"

Page 22, line 20, delete "[60A.11a]" and insert "[60A.111]"

Page 26, line 3, delete "*clause*" and insert "*paragraph*"

Page 27, line 15, after "*6*" insert "*, paragraph*"

Page 27, line 15, after "*(g)*" insert "*, clause*"

Page 27, line 32, strike "if the real estate is used for"

Page 27, line 33, strike "commercial purposes"

Page 28, line 23, strike "if"

Page 28, line 23, delete "*the*"

Page 28, line 24, strike "real estate is to be used for commercial purposes"

Page 29, line 13, delete "*dispersed*" and insert "*disbursed*"

Page 30, lines 14 and 16, strike "clauses" and insert "*paragraphs*"

Page 31, lines 2, 23, 27, and 31, strike "clause" and insert "*paragraph*"

Page 31, lines 31 and 35, strike "clauses" and insert "*paragraphs*"

Page 31, line 32, delete "*20*" and insert "*25*"

Page 31, line 33, delete "*25*" and insert "*20*"

Page 32, line 13, delete "*granted by an issuer*"

Page 32, line 14, strike "of"

Page 32, line 17, delete "*the issuer*"

Page 32, lines 19, 25, and 27, strike "clause" and insert "*paragraph*"

Page 33, lines 6 to 9, delete the new language

Page 33, line 9, strike the second comma and insert "*(1) secured by letters of credit issued by a national bank, state bank or trust company which is a member of the federal reserve system or by a bank organized under the laws of the Dominion of Canada or (2) traded on a national securities exchange or (3)*"

Page 33, line 13, delete "*or*"

Page 33, line 14, delete "*traded on a National Securities Exchange,*"

Page 33, line 27, strike "clause" and insert "*paragraph*"

Page 34, line 6, after "a" insert "*governmental entity or*"

Page 34, line 8, strike "clause" and insert "*paragraph*"

Page 34, line 12, before "*A*" insert "*In addition to the authority granted by*

paragraph (d) of this subdivision, to the extent and on the terms and conditions the commissioner determines to be consistent with the purposes of this chapter,''

Page 34, line 14, delete ''*only if, and to the extent and*'' and insert a period

Page 34, delete lines 15 and 16

Page 35, line 36, after ''*(a)*'' insert ''*or held in the name of the company*''

Page 36, line 18, after ''*The*'' insert ''*market*''

Page 36, line 19, after ''*time*'' insert '', *excluding securities held in a separate account established pursuant to section 61A.14, subdivision 1,*''

Page 39, line 35, after ''cost'' insert ''*to the company*''

Page 39, line 36, strike ''clause'' and insert ''*paragraph*''

Page 40, line 6, strike ''clause'' and insert ''*paragraph*''

Page 40, line 13, reinstate ''(b) acquire''

Page 40, line 13, reinstate ''personal property in the United States''

Page 40, reinstate lines 14 to 20

Page 40, line 21, reinstate ''or 40 years, whichever is less, and (3)''

Page 40, line 29, reinstate ''in no event shall the total investment in''

Page 40, line 30, reinstate ''personal property under this'' and after the stricken ''clause'' insert ''*paragraph*''

Page 40, line 30, reinstate ''exceed three percent of the''

Page 40, reinstate line 31

Page 40, line 32, delete ''*(b)*'' and insert ''*(c)*''

Page 41, line 2, strike ''(c)'' and insert ''*(d)*''

Page 41, line 2, strike ''clauses'' and insert ''*paragraphs*''

Page 41, line 2, strike ''and (b)'' and insert ''*to (c)*''

Page 41, line 13, delete ''*clauses*'' and insert ''*paragraphs*''

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Olhoft from the Committee on General Legislation and Administrative Rules, to which was referred

H. F. No. 617: A resolution memorializing the President, Congress, and the United States Postal Service of Minnesota's opposition to the nine digit zip code.

Reports the same back with the recommendation that the resolution do pass and be re-referred to the Committee on Rules and Administration. Report adopted.

Mr. Olhoft from the Committee on General Legislation and Administrative Rules, to which was referred

H. F. No. 222: A bill for an act relating to families; designating an American

family day; proposing new law coded in Minnesota Statutes, Chapter 517.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Olhoft from the Committee on General Legislation and Administrative Rules, to which was referred

H. F. No. 171: A bill for an act relating to historic sites; changing the classification of the Kensington Runestone historic site; amending Minnesota Statutes 1980, Section 138.56, by adding a subdivision; repealing Minnesota Statutes 1980, Section 138.58, Subdivision 7.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 1226: A bill for an act relating to courts; extending application of the provision of law providing for payment of travel expenses for certain district court judges; amending Laws 1980, Chapter 614, Section 162.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 1075: A bill for an act relating to agriculture; providing for continuation of certain farm tenancies on termination of life estates; proposing new law coded in Minnesota Statutes, Chapter 500.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete lines 13 to 24, and insert:

"*Subd. 2.* [CONTINUATION OF TENANCY.] *Upon the death of a life tenant, a farm tenancy granted by the life tenant shall continue until the earlier of the following March 1, the completion of harvest, or the expiration of the lease by its terms. If a life tenant dies between November 1 and the following March 1, the farm tenancy shall continue for the following crop year and shall terminate on the earlier of the March 1 following that crop year, the completion of harvest, or the expiration of the lease by its terms. However, if the lease is binding upon the remainderman by specific commitment of the remainderman, the lease shall terminate as provided by that commitment.*

Subd. 3. [RENTAL VALUE.] *A remainderman*"

Page 1, line 25, delete "*succeeding a life estate*"

Page 2, after line 6, insert:

"Sec. 2. [EFFECTIVE DATE.]

This act is effective for leases entered into after November 1, 1982."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 1211: A bill for an act relating to courts; permitting the use of

electronic recording equipment in certain court proceedings; amending Minnesota Statutes 1980, Sections 486.02; and 486.03; proposing new law coded in Minnesota Statutes, Chapter 484.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, after the comma, insert "*upon the court's own motion or*"

Page 1, line 15, delete "*or upon the court's own motion,*"

Page 1, line 20, delete "*shall have*" and insert "*has*"

Page 1, line 23, after "*other*" insert "*appropriate*"

Page 1, line 23, delete "*as the court deems appropriate*"

Page 2, lines 11, 19, 30, and 32, strike "such" and insert "*the*"

Page 2, line 12, strike "in the exact language thereof,"

Page 2, line 13, strike "thereto precisely as"

Page 2, line 14, before the period, insert "*in their exact language*"

Page 2, line 14, strike both commas

Page 2, line 15, strike "thereof" and insert "*for them*"

Page 2, line 16, strike "thereon" and insert "*on them*"

Page 2, line 17, strike "so"

Page 2, line 18, strike "to do"

Page 2, line 18, strike "like"

Page 2, line 20, strike "the same" and insert "*it*"

Page 2, line 25, after "ended" insert a comma

Page 2, line 27, delete ", *or tape recording,*"

Page 2, line 27, strike "thereof" and insert "*or tape recording of it*"

Page 2, line 28, strike "shall so direct" and insert " *directs*"

Page 2, line 28, strike "; and," and insert a period

Page 2, line 29, strike "therefor"

Page 2, line 31, strike "the same and for"

Page 2, line 32, strike "that purpose" and insert "*it.*"

Page 2, line 32, strike "so" and insert "*for as*"

Page 2, line 32, strike the second "may"

Page 2, line 33, strike "be"

Page 2, line 33, strike ", when it shall be returned to the files" and insert "*to prepare the transcript*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 1292: A bill for an act relating to children; providing for reports of dependency, neglect, and abuse of children; allowing for courts to compel testimony under certain circumstances; amending Minnesota Statutes 1980, Sections 254A.09; and 626.556, Subdivisions 7, 8, 10, and 11.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, lines 17 and 18, strike "such" and insert "*the*"

Page 1, lines 22 to 26, delete the new language

Page 1, line 26, strike "so"

Page 2, line 4, before "*A*" insert "*However,*"

Page 2, line 5, after "*in*" insert "*civil*"

Page 2, line 6, delete ", *dependency,*"

Page 2, line 7, delete "*only*"

Page 2, line 10, delete "*good cause exists*" and insert "*to compel disclosure*"

Page 2, line 13, delete "*Disclosure shall*"

Page 2, delete lines 14 and 15

Pages 2 and 3, delete sections 2 to 4

Page 4, line 1, delete "5" and insert "2"

Page 4, line 10, strike "such" and insert "*the*"

Page 4, lines 10 and 12, before "prosecuting" insert " *investigating, petitioning, or*"

Page 4, line 12, delete "*or investigating*"

Page 4, line 14, delete "*investigation or*"

Page 4, line 14, strike "litigation" and insert " *investigation, petition, or prosecution*"

Page 4, line 18, delete "*15.17*"

Page 4, line 18, strike ", and" and insert "*15.1699.*"

Page 4, line 21, strike "only"

Page 4, line 23, after "*sheriff*" insert "*only*"

Page 4, line 24, delete the comma

Page 4, lines 28 to 36, reinstate the stricken language and delete the new language

Page 5, lines 1 to 7, reinstate the stricken language

Amend the title as follows:

Page 1, line 3, delete "dependency,"

Page 1, line 3, after "neglect" delete the comma

Page 1, line 4, delete "for"

Page 1, line 6, delete "Subdivisions 7, 8, 10,"

Page 1, line 7, delete "and" and insert "Subdivision"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

H. F. No. 615: A bill for an act relating to corrections; providing for the transfer of convicted offenders under certain circumstances; proposing new law coded in Minnesota Statutes, Chapter 243.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 15, delete "*initiate*" and insert "*implement*"

Page 1, after line 16, insert:

"Sec. 2. [EFFECTIVE DATE.]

This act is effective the day after final enactment."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 613: A bill for an act relating to attachment; prescribing the grounds when a writ of attachment may be issued for purposes of securing property or acquiring quasi in rem jurisdiction over defendants; amending Minnesota Statutes 1980, Section 570.02.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 17, delete "*American*"

Page 2, line 17, after "*exists*" insert "*in the United States*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 733: A bill for an act relating to agriculture; regulating alien ownership of land; providing for permanent resident alien and loss of status; amending Minnesota Statutes 1980, Section 500.221.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 22, delete "*or her*"

Page 1, lines 23 and 24, delete the commas

Page 2, line 4, delete "*after*" and insert ", *at some time during the month of*"

Page 2, line 4, delete "*1 and prior to January*"

Page 2, line 5, delete "*31*"

Page 2, line 10, delete "*unless he or she has*" and insert " , *but may*

submit''

Page 2, line 11, delete ''*submitted*''

Page 2, line 14, after ''*to*'' insert ''*review the statement and*''

Page 2, line 17, delete ''*Minnesota*''

Page 2, line 26, strike ''and,'' and insert a period

Page 2, line 35, after ''apply'' insert a colon, and before ''to'' insert:

''*(1)*''

Page 3, line 4, strike ''; provided, that'' and insert a period

Page 3, line 4, strike ''so''

Page 3, line 7, strike everything after ''ownership''

Page 3, line 8, strike ''apply'' and insert a semicolon, and before ''to'' insert:

''*(2)*''

Page 3, line 9, strike ''or'' and insert a semicolon, and before ''lands'' insert:

''*(3) to*''

Page 3, line 11, strike '', or'' and insert a semicolon, and before ''lands'' insert:

''*(4) to*''

Page 3, line 13, strike ''provided, however, that'' and insert a period

Page 3, line 17, strike everything after ''corporation''

Page 3, line 18, strike ''apply'' and insert ''*; and*

(5)''

Page 3, line 19, strike '', provided that'' and insert ''*if*''

Page 3, line 20, strike ''shall be'' and insert ''*is*''

Page 3, line 21, strike the comma

Page 3, line 21, strike ''provided that'' and insert ''*the*''

Page 3, line 34, delete ''*shall*''

Page 4, line 2, delete ''*any*''

Page 4, line 2, delete ''*as may*''

Page 4, line 3, delete ''*be*''

Page 4, line 21, delete ''*hold a meeting*'' and insert ''*meet with the landowner*''

Page 4, line 22, delete ''*to allow all parties the*''

Page 4, line 23, delete ''*opportunity*''

Page 4, line 26, before ''*Any*'' insert ''*The landowner and*''

Page 4, line 26, delete "*party*" and insert "*person*"

Page 4, line 26, delete "*or*"

Page 4, line 27, delete "*participating in the meeting shall be entitled to*" and insert "*may*"

Page 4, line 29, delete "*shall*" and insert "*do*"

Page 4, delete lines 31 to 33

Page 4, line 36, strike "subdivision 2" and insert "*this section*"

Page 5, line 30, before "*The*" insert "*Subd. 3a.* [AGREEMENT.]"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Employment, to which was referred

S. F. No. 391: A bill for an act relating to labor; defining a professional strikebreaker to include certain salaried employees; amending Minnesota Statutes 1980, Section 179.01, Subdivision 16.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [179.122] [EMPLOYER UTILIZING REPLACEMENTS DURING LABOR DISPUTE; FILING OF INFORMATION.]

Subdivision 1. [SECRETARY OF STATE, FILING.] *An employer who utilizes any person to replace an employee or employees involved in a strike or lockout at a place of business located within this state shall file with the secretary of state the following information:*

(a) The name and address of the employer;

(b) The name and date of birth of the person so utilized; and

(c) The date on which the person was first so utilized.

Subd. 2. [TIME OF FILING.] *The filing shall be accomplished within three days of the date on which the employer first utilized the person as a replacement. The filing shall be deemed timely upon mailing by the employer of the required information to the secretary of state.*

Subd. 3. [PUBLIC RECORD.] *The information filed pursuant to this section shall be kept as a public record by the secretary of state for a period of at least five years from the date of filing.*

Subd. 4. [NOTICE TO REPLACEMENT.] *No employer shall utilize any person as a replacement unless the employer first informs the person of the provisions of this section.*

Subd. 5. [PENALTY.] *Any person or corporation violating any of the provisions of this section shall be guilty of a misdemeanor.*"

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, delete line 3 and insert "replacements for persons involved in strikes or lockouts; requiring filing of information with the secretary of state; requiring notice to replacements; providing a penalty;".

Page 1, line 4, delete "amending" and insert "proposing new law coded in"

Page 1, line 4, delete "1980" and after the comma delete "Section 179.01," and insert "Chapter 179."

Page 1, delete line 5

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 941: A bill for an act relating to crimes; specifying the crime of incest; prescribing penalties; amending Minnesota Statutes 1980, Sections 518B.01, Subdivision 2; 609.35; and 626.556, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 609.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 15.1695, Subdivision 1, is amended to read:

Subdivision 1. When collected, created, or maintained by law enforcement agencies including municipal police departments, county sheriff departments, the bureau of criminal apprehension, the Minnesota state patrol, the peace officers standards and training board, or public prosecutors or defenders:

(a) Data on participants in crime prevention programs including lists of property with identification numbers or evaluations or recommendations related to structural security against unauthorized entry is private; and

(b) Data contained on incident complaint reports, variously called logs or dockets, comprising a chronological record of events, shall be public; provided that data on individuals which could reasonably be used to determine the identity of an undercover agent, informant, or victim of criminal sexual conduct *or intrafamilial sexual abuse* shall be private data on individuals; provided further that any other data classified by law as private or confidential contained in incident complaint reports shall remain private or confidential data.

Sec. 2. Minnesota Statutes 1980, Section 595.02, is amended to read:

595.02 [COMPETENCY OF WITNESSES.]

Every person of sufficient understanding, including a party, may testify in any action or proceeding, civil or criminal, in court or before any person who has authority to receive evidence, except as follows:

(1) A husband cannot be examined for or against his wife without her consent, nor a wife for or against her husband without his consent, nor can either, during the marriage or afterwards, without the consent of the other, be examined as to any communication made by one to the other during the marriage. This exception does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed

by one against the other or against a child of either, nor to a criminal action or proceeding in which one is charged with homicide or an attempt to commit homicide and the date of the marriage of the defendant is subsequent to the date of the offense, nor to an action or proceeding for non-support, neglect, dependency, or termination of parental rights;

(2) An attorney cannot, without the consent of his client, be examined as to any communication made by the client to him or his advice given thereon in the course of professional duty; nor can any employee of ~~such~~ *the* attorney be examined as to ~~such~~ *the* communication or advice, without the client's consent;

(3) A clergyman or other minister of any religion shall not, without the consent of the party making the confession, be allowed to disclose a confession made to him in his professional character, in the course of discipline enjoined by the rules or practice of the religious body to which he belongs; nor shall a clergyman or other minister of any religion be examined as to any communication made to him by any person seeking religious or spiritual advice, aid, or comfort or his advice given thereon in the course of his professional character, without the consent of ~~such~~ *the* person;

(4) A licensed physician or surgeon, dentist, or chiropractor shall not, without the consent of his patient, be allowed to disclose any information or any opinion based thereon which he acquired in attending the patient in a professional capacity, and which was necessary to enable him to act in that capacity; after the decease of ~~such~~ *the* patient, in an action to recover insurance benefits, where the insurance has been in existence two years or more, the beneficiaries shall be deemed to be the personal representatives of ~~such~~ *the* deceased person for the purpose of waiving ~~the~~ *this* privilege ~~hereinbefore created~~, and no oral or written waiver of the privilege ~~hereinbefore created~~ shall have any binding force or effect except ~~that the same be~~ *when* made upon the trial or examination where the evidence is offered or received;

(5) A public officer shall not be allowed to disclose communications made to him in official confidence when the public interest would suffer by the disclosure;

(6) Persons of unsound mind; persons intoxicated at the time of their production for examination, and children under ten years of age, who appear incapable of receiving just impressions of the facts respecting which they are examined, or of relating them truly, are not competent witnesses. *This exception does not apply to a child under ten years of age, in a criminal proceeding for intrafamilial sexual abuse as defined in section 6, subdivision 10, or in a criminal proceeding under sections 609.342 clause (a), 609.343 clause (a), 609.344 clause (a), or 609.345 clause (a), who is able to describe or relate in language appropriate for a child of that age the events or facts respecting which the child is examined;*

(7) A registered nurse, psychologist or consulting psychologist shall not, without the consent of his client, be allowed to disclose any information or opinion based thereon which he acquired in attending the client in a professional capacity, and which was necessary to enable him to act in that capacity.

Sec. 3. Minnesota Statutes 1980, Section 609.346, is amended to read:

609.346 [SUBSEQUENT OFFENSES.]

Subdivision 1. If a person is convicted of a second or subsequent offense

under sections 609.342 to 609.346 *or sections 6 to 10* within 15 years of the prior conviction, the court shall commit the defendant to the commissioner of corrections for imprisonment for a term of not less than three years, nor more than the maximum sentence provided by law for the offense for which convicted, notwithstanding the provisions of sections 242.19, 243.05, 609.11, 609.12 and 609.135.

Subd. 2. For the purposes of this section, an offense is considered a second or subsequent offense if, prior to conviction of the second or subsequent offense, the actor has been at any time convicted under sections 609.342 to 609.346 *or sections 6 to 10* or under any similar statute of the United States, or this or any other state.

Sec. 4. Minnesota Statutes 1980, Section 609.348, is amended to read:

609.348 [MEDICAL PURPOSES; EXCLUSION.]

Laws 1975, Chapter 374, *and sections 6 to 10* shall not apply to sexual penetration or sexual contact when done for a bona fide medical purpose.

Sec. 5. Minnesota Statutes 1980, Section 609.35, is amended to read:

609.35 [COSTS OF MEDICAL EXAMINATION.]

No costs incurred by a county, city, or private hospital or other emergency medical facility or by a private physician for the examination of a complainant of criminal sexual conduct *or intrafamilial sexual abuse, as defined in section 6, subdivision 10*, when the examination is performed for the purpose of gathering evidence for possible prosecution, shall be charged directly or indirectly to the complainant. The reasonable costs of ~~such~~ *the* examination shall be paid by the county in which the alleged offense was committed. Nothing in this section shall be construed to limit the duties, responsibilities, or liabilities of any insurer, whether public or private.

Sec. 6. [609.364] [DEFINITIONS.]

Subdivision 1. [SCOPE.] *For the purposes of sections 2 and 6 to 10, the terms in this section have the meanings given them.*

Subd. 2. [ACTOR.] *"Actor" means an adult accused of intrafamilial sexual abuse.*

Subd. 3. [CHILD.] *"Child" means a person under age 16.*

Subd. 4. [COERCION.] *"Coercion" means a threat to unlawfully inflict bodily harm upon, or hold in confinement, the person threatened or another.*

Subd. 5. [COMPLAINANT.] *"Complainant" means a child or minor alleging to have been subjected to intrafamilial sexual abuse, but need not be the person who signs the complaint.*

Subd. 6. [CONSENT.] *"Consent" means a voluntary uncoerced manifestation of a present agreement to perform a particular sexual act.*

Subd. 7. [FORCE.] *"Force" means the infliction, attempted infliction, or threatened infliction by the actor of bodily harm or commission or threat of any other crime by the actor against the complainant or another, which causes the complainant to reasonably believe that the actor has the present ability to execute the threat.*

Subd. 8. [INTIMATE PARTS.] *"Intimate parts" includes the primary genital area, groin, inner thigh, buttocks, or breast of a human being.*

Subd. 9. [FAMILIAL RELATIONSHIP.] *"Familial relationship" means a situation in which the actor is:*

(a) The complainant's parent, stepparent, or guardian;

(b) Nearer of kin to the complainant than first cousin, computed by rules of the civil law, whether of the half or the whole blood;

(c) Any of the following persons related to the complainant by marriage or adoption: brother, sister, stepbrother, stepsister, first cousin, aunt, uncle, nephew, niece, grandparent, great-grandparent, great-uncle, great-aunt; or

(d) An adult who jointly resides intermittently or regularly in the same dwelling as the complainant and who is not the complainant's spouse.

Subd. 10. [INTRAFAMILIAL SEXUAL ABUSE.] *"Intrafamilial sexual abuse" means sexual contact or sexual penetration, or both, of a child or minor when the actor has a familial relationship to the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.*

Subd. 11. [MINOR.] *"Minor" means a person under age 18 but age 16 or over.*

Subd. 12. [PERSONAL INJURY.] *"Personal injury" means bodily harm as defined in section 609.02, subdivision 7, or severe mental anguish, or pregnancy.*

Subd. 13. [SEXUAL CONTACT.] *"Sexual contact" includes any of the following acts, if the acts can reasonably be construed as being for the purpose of satisfying the actor's sexual or aggressive impulses:*

(a) The intentional touching by the actor of the complainant's intimate parts;

(b) The touching by the complainant of the actor's, the complainant's, or another's intimate parts;

(c) The touching by another of the complainant's intimate parts; or

(d) In any of the cases listed above, touching of the clothing covering the immediate area of the intimate parts.

Subd. 14. [SEXUAL PENETRATION.] *"Sexual penetration" means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion however slight into the genital or anal openings of the complainant's body of any part of the actor's body or any object used by the actor for this purpose. Emission of semen is not necessary.*

Sec. 7. [609.3641] [INTRAFAMILIAL SEXUAL ABUSE IN THE FIRST DEGREE.]

Subdivision 1. [CRIME DEFINED.] *A person is guilty of intrafamilial sexual abuse in the first degree if:*

(1) He has a familial relationship to and engages in sexual penetration with a child; or

(2) He has a familial relationship to and engages in sexual penetration with a child and:

(a) the actor or an accomplice used force or coercion to accomplish the penetration;

(b) the actor or an accomplice was armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it could be a dangerous weapon and used or threatened to use the dangerous weapon;

(c) circumstances existed at the time of the act to cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;

(d) the complainant suffered personal injury; or

(e) the intrafamilial sexual abuse involved multiple acts committed over an extended period of time.

Subd. 2. [PENALTY.] *A person convicted under subdivision 1, clause (1), may be sentenced to imprisonment for not more than 20 years. Except when imprisonment is required by section 609.346, the court may stay imposition or execution of sentence if it finds that a stay is in the best interest of the complainant or the family unit. A person convicted under subdivision 1, clause (2), may be sentenced to imprisonment for not more than 20 years.*

Sec. 8. [609.3642] [INTRAFAMILIAL SEXUAL ABUSE IN THE SECOND DEGREE.]

Subdivision 1. [CRIME DEFINED.] *A person is guilty of intrafamilial sexual abuse in the second degree if:*

(1) He has a familial relationship to and engages in sexual contact with a child; or

(2) He has a familial relationship to and engages in sexual contact with a child and:

(a) the actor or an accomplice used force or coercion to accomplish the contact;

(b) the actor or an accomplice was armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and used or threatened to use the dangerous weapon;

(c) circumstances existed at the time of the act to cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;

(d) the complainant suffered personal injury; or

(e) the intrafamilial sexual abuse involved multiple acts committed over an extended period of time.

Subd. 2. [PENALTY.] *A person convicted under subdivision 1, clause (1), may be sentenced to imprisonment for not more than 15 years. Except when imprisonment is required by section 609.346, the court may stay imposition or execution of the sentence if it finds that a stay is in the best interest of the*

complainant or the family unit. A person convicted under subdivision 1, clause (2), may be sentenced to imprisonment for not more than 15 years.

Sec. 9. [609.3643] [INTRAFAMILIAL SEXUAL ABUSE IN THE THIRD DEGREE.]

Subdivision 1. [CRIME DEFINED.] *A person is guilty of intrafamilial sexual abuse in the third degree if:*

(1(He has a familial relationship to and engages in sexual penetration with a minor; or

(2) He has a familial relationship to and engages in sexual penetration with a minor and:

(a) the actor or an accomplice used force or coercion to accomplish the penetration;

(b) the actor or accomplice was armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it could be a dangerous weapon and used or threatened to use the dangerous weapon;

(c) circumstances existed at the time of the act to cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;

(d) the complainant suffered personal injury; or

(e) the intrafamilial sexual abuse involved multiple acts committed over an extended period of time.

Subd. 2. [PENALTY.] *A person convicted under subdivision 1, clause (1), may be sentenced to imprisonment for not more than ten years. Except when imprisonment is required by section 609.346, the court may stay imposition or execution of the sentence if it finds that a stay is in the best interest of the complainant or the family unit. A person convicted under subdivision 1, clause (2), may be sentenced to imprisonment for not more than ten years.*

Sec. 10. [609.3644] [INTRAFAMILIAL SEXUAL ABUSE IN THE FOURTH DEGREE.]

Subdivision 1. [CRIME DEFINED.] *A person is guilty of intrafamilial sexual abuse in the fourth degree if:*

(1) He has a familial relationship to and engages in sexual contact with a minor; or

(2) He has a familial relationship to and engages in sexual contact with a minor and:

(a) the actor or an accomplice used force or coercion to accomplish the contact;

(b) the actor or accomplice was armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it could be a dangerous weapon and used or threatened to use the dangerous weapon;

(c) circumstances existed at the time of the act to cause the complainant to

have a reasonable fear of imminent great bodily harm to the complainant or another;

(d) the complainant suffered personal injury; or

(e) the intrafamilial sexual abuse involved multiple acts committed over an extended period of time.

Subd. 2. [PENALTY.] *A person convicted under subdivision 1, clause (1), may be sentenced to imprisonment for not more than five years. Except when imprisonment is required by section 609.346, the court may stay imposition or execution of the sentence if it finds that a stay is in the best interest of the complainant or the family unit. A person convicted under subdivision 1, clause (2), may be sentenced to imprisonment for not more than five years.*

Sec. 11. Minnesota Statutes 1980, Section 626.556, Subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] As used in this section, the following terms have the meanings given them unless the specific content indicates otherwise:

(a) "Sexual abuse" means the subjection by the child's parents, guardian, or person responsible for the child's care, to any act which constitutes a violation of sections 609.342, 609.343, 609.344, or 609.345, *or sections 6 to 10.* Sexual abuse also includes any act which involves a minor which constitutes a violation of sections 609.321 to 609.324 or 617.246.

(b) "Neglect" means failure by a parent, guardian or other person responsible for a child's care to supply a child with necessary food, clothing, shelter or medical care when reasonably able to do so or failure to protect a child from conditions or actions which imminently and seriously endanger the child's physical or mental health when reasonably able to do so. Nothing in this section shall be construed to mean that a child is neglected solely because the child's parent, guardian or other person responsible for his care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child.

(c) "Physical abuse" means:

(i) Any physical injury inflicted by a parent, guardian or other person responsible for the child's care on a child other than by accidental means; or

(ii) Any physical injury that cannot reasonably be explained by the history of injuries provided by a parent, guardian or other person responsible for the child's care.

(d) "Report" means any report received by the local welfare agency, police department or county sheriff pursuant to this section.

Sec. 12. [EFFECTIVE DATE.]

Sections 1 to 11 are effective the day following final enactment and apply to any act that occurs on or after that date."

Amend the title as follows:

Page 1, delete lines 2 to 6 and insert:

"relating to crimes; creating the crime of intrafamilial sexual abuse; amending Minnesota Statutes 1980, Sections 15.1695, Subdivision 1; 595.02;

609.346; 609.348; 609.35; and 626.556, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 609."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

H. F. No. 356: A bill for an act relating to crimes; specifying offenses relating to computers; providing penalties; proposing new law coded in Minnesota Statutes 1980, Chapter 609.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 609.52, Subdivision 1, is amended to read:

609.52 [THEFT.]

Subdivision 1. [DEFINITIONS.] In this section:

(1) "Property" means all forms of tangible *or intangible* property~~, whether real or personal~~ *including*, without limitation ~~including~~ , *information*, documents of value, electricity, gas, water, corpses, domestic animals, dogs, pets, fowl, ~~and~~ heat supplied by pipe or conduit by municipalities or public utility companies, *computer software, computer services,* and articles, as defined in clause (4), representing trade secrets, which articles shall be deemed for the purposes of Extra Session Laws 1967, Chapter 15 to include any trade secret represented by ~~such~~ *the* article.

(2) "Movable property" is property whose physical location can be changed, including without limitation things growing on, affixed to or found in land.

(3) "Value" means the retail market value at the time of the theft, or if the retail market value cannot be ascertained, the cost of replacement of the property within a reasonable time after the theft, or in the case of a theft or the making of a copy of an article representing a trade secret, *computer software, or computer services* where the retail market value or replacement cost cannot be ascertained, any reasonable value representing the damage ~~to~~ *which* the owner ~~which he~~ has suffered ~~by reason of losing an advantage over those who do not know of or use the trade secret~~. For a theft committed within the meaning of subdivision 2, clause (5), (a) and (b), if the property has been restored to the owner, "value" means the value of the use of the property or the damage which it sustained, whichever is greater, while the owner was deprived of its possession, but not exceeding the value otherwise provided herein.

(4) "Article" means any object, material, device or substance, including any writing, record, recording, drawing, sample specimen, prototype, model, photograph, micro-organism, blueprint or map, or any copy of any of the foregoing.

(5) "Representing" means describing, depicting, containing, constituting, reflecting or recording.

(6) "Trade secret" means the whole or any portion of any formula, pattern,

device or compilation of any scientific or technical information which is secret, is of value and has not been published or otherwise become a matter of general public knowledge; and an article representing a trade secret shall be presumed to be secret and not to have been published or otherwise become a matter of general public knowledge when the owner marks it as a trade secret and takes measures to preserve its secrecy and to prevent it from becoming available to persons other than those selected by the owner to have controlled access thereto for purposes of the owner's business.

(7) "Copy" means any facsimile, replica, photograph or other reproduction of an article *or tangible or intangible property*, and any note, drawing or sketch made of or from an article ~~while in the presence of such article~~ *or tangible or intangible property*.

(8) "Property of another" includes property in which the actor is co-owner or has a lien, pledge, bailment, or lease or other subordinate interest, and property of a partnership of which the actor is a member, unless the actor and the victim are husband and wife. It does not include property in which the actor asserts in good faith a claim as a collection fee or commission out of property or funds recovered, or by virtue of a lien, set-off, or counterclaim.

(9) "Computer software" includes computer programs, procedures, and associated documentation concerned with the operation of a computer system.

(10) "Computer services" include, but are not limited to, computer time, data processing, and storage functions.

Sec. 2. Minnesota Statutes 1980, Section 609.52, Subdivision 2, is amended to read:

Subd. 2. [ACTS CONSTITUTING THEFT.] Whoever does any of the following commits theft and may be sentenced as provided in subdivision 3:

(1) Intentionally and without claim of right takes, uses, transfers, conceals or retains possession of movable property of another without his consent and with intent to deprive the owner permanently of possession of the property; or

(2) Having a legal interest in movable property, intentionally and without consent, takes such property out of the possession of a pledgee or other person having a superior right of possession, with intent thereby to deprive the pledgee or other person permanently of the possession of the property; or

(3) Obtains for himself or another the possession, custody or title to property of a third person by intentionally deceiving him with a false representation which is known to be false, made with intent to defraud, and which does defraud the person to whom it is made. "False representation" includes without limitation:

(a) The issuance of a check, draft, or order for the payment of money or the delivery of property knowing that he is not entitled to draw upon the drawee therefor or to order the payment or delivery thereof; or

(b) A promise made with intent not to perform. Failure to perform is not evidence of intent not to perform unless corroborated by other substantial evidence; or

(c) The unauthorized use of a credit card, credit plate, charge plate, or other identification device issued by an organization to a person for use in purchasing

goods on credit; or

(d) The preparation or filing of a claim for reimbursement, a rate application, or a cost report used to establish a rate or claim for payment for medical care provided to a recipient of medical assistance under chapter 256B, which intentionally and falsely states the costs of or actual services provided by a vendor of medical care; or

(4) By swindling, whether by artifice, trick, device, or any other means, obtains property from another person; or

(5) Intentionally commits any of the acts listed in this subdivision but with intent to exercise temporary control only and;

(a) The control exercised manifests an indifference to the rights of the owner or the restoration of the property to him; or

(b) He pledges or otherwise attempts to subject the property to an adverse claim; or

(c) He intends to restore the property only on condition that the owner pay a reward or buy back or make other compensation; or

(6) Finds lost property and, knowing or having reasonable means of ascertaining the true owner, appropriates it to his own use or to that of another not entitled thereto without first having made reasonable effort to find the owner and offer and surrender the property to him; or

(7) Intentionally obtains property or services, offered upon the deposit of a sum of money or tokens in a coin or token operated machine or other receptacle, without making the required deposit or otherwise obtaining the consent of the owner; or

(8) Intentionally and without claim of right converts any article representing a trade secret, knowing it to be such, to his own use or that of another person or makes a copy of an article representing a trade secret, knowing it to be such, and intentionally and without claim of right converts the same to his own use or that of another person. It shall be a complete defense to any prosecution under this clause for the defendant to show that information comprising the trade secret was rightfully known or available to him from a source other than the owner of the trade secret; or

(9) Leases or rents personal property under a written instrument and who with intent to place such property beyond the control of the lessor conceals or aids or abets the concealment of such property or any part thereof, or any lessee of such property who sells, conveys or encumbers such property or any part thereof without the written consent of the lessor, without informing the person to whom he sells, conveys, or encumbers that the same is subject to such lease and with intent to deprive the lessor of possession thereof. Evidence that a lessee used a false or fictitious name or address in obtaining such property or fails or refuses to return such property to lessor within five days after written demand for such return has been served personally in the manner provided for service of process of a civil action or sent by certified mail to the last known address of the lessee, whichever shall occur later, shall be evidence of intent to violate this clause. Service by certified mail shall be deemed to be complete upon deposit in the United States mail of such demand, postpaid and addressed to such person at the address for such person set forth in the lease or rental

agreement, or, in the absence of such address, to such person's last known place of residence; or

(10) Alters, removes or obliterates numbers or symbols placed on movable property for purpose of identification by the owner or person who has legal custody or right to possession thereof with the intent to prevent identification, if the person who alters, removes or obliterates the numbers or symbols is not the owner and does not have the permission of the owner to make the alteration, removal or obliteration; or

(11) With the intent to prevent the identification of property involved, so as to deprive the rightful owner of possession thereof, alters or removes any permanent serial number, permanent distinguishing number or manufacturer's identification number on personal property or possesses, sells or buys any personal property with knowledge that the permanent serial number, permanent distinguishing number or manufacturer's identification number has been removed or altered; or

(12) Intentionally deprives another of a lawful charge for cable television service by

(i) making or using or attempting to make or use an unauthorized external connection outside the individual dwelling unit whether physical, electrical, acoustical, inductive or other connection, or by

(ii) attaching any unauthorized device to any cable, wire, microwave, or other component of a licensed cable communications system as defined in chapter 238. Nothing herein shall be construed to prohibit the electronic video re-recording of program material transmitted on the cable communications system by a subscriber for fair use as defined by Public Law 94-553, Section 107; *or*

(13) Directly or indirectly gains access, causes access to be gained, or attempts to gain access to any computer, computer system, computer network, or any part thereof with the intent to obtain property, or services, for himself or another, by unauthorized means or by false or fraudulent pretenses, representations or promises.

Sec. 3. Minnesota Statutes 1980, Section 609.595, Subdivision 1, is amended to read:

Subdivision 1. [AGGRAVATED CRIMINAL DAMAGE TO PROPERTY.] Whoever intentionally causes damage to ~~physical~~ property of another, *as defined in section 609.52, subdivision 1,* without the latter's consent may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $5,000, or both, if:

(1) The damage to the property caused a reasonably foreseeable risk of bodily harm; or

(2) The property damaged belongs to a public utility or a common carrier and the damage impairs the service to the public rendered by them; or

(3) The damage reduces the value of the property by more than $300 measured by the cost of repair or replacement, whichever is less.

In any prosecution under clause (3), the value of any property damaged by the defendant in violation of that clause within any six month period may be

aggregated and the defendant charged accordingly in applying the provisions of this section; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this paragraph."

Amend the title as follows:

Page 1, line 3, delete "proposing new law" and insert "specifying the crime of theft of information; amending Minnesota Statutes 1980, Sections 609.52, Subdivisions 1 and 2; and 609.595, Subdivision 1."

Page 1, delete line 4

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 1335: A bill for an act relating to courts; changing the compensation of Hennepin County conciliation court referees; amending Minnesota Statutes 1980, Section 488A.13, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1980, Section 488A.08, Subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] Misdemeanor violation bureaus shall be established at Minneapolis, Bloomington, ~~St. Louis Park, Wayzata, and Crystal and at such additional places as a majority of the judges of the court may establish consistent with Rule 23 of the rules of criminal procedure~~ *and at any other northern and western suburban locations dispersed throughout the county as may be designated by a majority of the judges of the court* ."

Page 1, line 8, delete "Section 1" and insert "Sec. 2"

Page 1, line 13, strike the first "such" and insert "*the*"

Page 1, line 13, strike "in such"

Page 1, line 14, strike "the judges may" and insert "*they*"

Page 1, line 14, strike "so"

Page 1, line 17, strike "any" and insert "*all*"

Page 1, line 18, strike "whatever the grounds may be"

Page 1, line 18, strike "shall"

Page 1, line 19, strike ", but" and insert ". *However,*"

Page 1, line 20, strike "such" in both places where it occurs

Page 2, line 4, before "per" insert "*an amount*"

Page 2, line 4, after "day" delete "*an amount*"

Page 2, line 5, strike everything after the period

Page 2, strike lines 6 and 7

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "providing for the establishment of misdemeanor violation bureaus for Hennepin county;"

Page 1, line 4, delete "Section" and insert "Sections 488A.08, Subdivision 1; and"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

H. F. No. 14: A bill for an act relating to agriculture; requiring notice of real estate improvement liens to be given to certain farmers; amending Minnesota Statutes 1980, Section 514.011, Subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 514.011, is amended by adding a subdivision to read:

Subd. 4a. [EXCEPTIONS; SAME OWNERSHIP.] *The notice required by this section shall not be required to be given where the property is managed or controlled by substantially the same persons who manage or control the owner of the improved real estate.*

Sec. 2. Minnesota Statutes 1980, Section 514.011, is amended by adding a subdivision to read:

Subd. 4b. [EXCEPTIONS; MULTIPLE DWELLING.] *The notice required by this section shall not be required to be given in connection with an improvement to real property consisting of or providing more than four family units when the improvement is wholly residential in character.*

Sec. 3. Minnesota Statutes 1980, Section 514.011, is amended by adding a subdivision to read:

Subd. 4c. [EXCEPTIONS; NONAGRICULTURAL AND NONRESIDENTIAL REAL ESTATE.] *The notice required by this section shall not be required to be given in connection with an improvement to real property which is not in agricultural use and which is wholly or partially nonresidential in use if the work or improvement:*

(a) is to provide or add more than 5,000 total usable square feet of floor space; or

(b) is an improvement to real property where the existing property contains more than 5,000 total usable square feet of floor space; or

(c) is an improvement to real property which contains more than 5,000 square feet and does not involve the construction of a new building or an addition to or the improvement of an existing building.

For the purposes of this subdivision, "agricultural use" shall have the meaning given to it in section 473H.02, subdivision 3.

For the purposes of clause (c), improvements include, but are not limited to, clearing, excavating, grading, filling in, landscaping, well digging, drilling or repairing, paving, surfacing or striping parking lots, digging or repairing a ditch, drain, or reservoir.

Sec. 4. [REPEALER.]

Minnesota Statutes 1980, Section 514.011, Subdivision 4, is repealed."

Amend the title as follows:

Page 1, line 5, after the comma, insert "by adding subdivisions; repealing Minnesota Statutes 1980, Section 514.011,"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

H. F. No. 276: A bill for an act relating to juveniles; prescribing the elements of a prima facie case for referring a child to adult court for criminal prosecution; amending Minnesota Statutes 1980, Section 260.125, Subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 23, after "offense" strike "committed"

Page 1, line 23, strike the comma

Page 1, line 24, strike "offense"

Page 2, line 7, strike "which offense were committed"

Page 2, line 7, strike "and"

Page 2, line 15, strike "of which offenses"

Page 2, line 16, strike "were committed"

Page 2, line 16, strike "which offenses"

Page 2, line 17, strike "were committed"

Page 2, line 17, strike "and"

Page 2, line 17, strike "offenses"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 118: A bill for an act relating to crimes; prohibiting the furnishing of tobacco related devices to minors; prohibiting minors from using tobacco related devices; prescribing penalties; amending Minnesota Statutes 1980, Section 609.685.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete lines 11 to 27 and insert:

"609.685 [~~USE~~ *SALE* OF TOBACCO ~~BY~~ *TO* CHILDREN.]

Subdivision 1. [DEFINITION.] *For the purposes of this section, "tobacco related devices" means cigarette papers or pipes for smoking.*"

Page 2, delete lines 1 to 4

Page 2, line 5, after "2." insert "[CRIME.]"

Page 2, line 5, strike "does any of the following may be"

Page 2, lines 6 to 9, strike the existing language and delete the new language

Page 2, line 10, strike "(2)"

Page 2, line 10, strike "in any"

Page 2, line 11, strike everything before the period and insert "*to a person under the age of 18 years is guilty of a misdemeanor*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

H. F. No. 2: A bill for an act relating to crimes; establishing mandatory minimum terms of imprisonment for use of a dangerous weapon or possession of a firearm; increasing the penalty for intentional and unintentional homicides committed while committing certain felonies; amending Minnesota Statutes 1980, Sections 609.11, Subdivision 1, and by adding subdivisions; 609.135, Subdivision 1; 609.185; 609.19; 609.195; 609.20; repealing Minnesota Statutes 1980, Section 609.11, Subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 16, delete "subdivisions" and insert "a subdivision"

Page 2, lines 18, 26 and 33, delete "*wherein*" and insert "*in which*"

Page 2, after line 31, insert:

"Sec. 3. Minnesota Statutes 1980, Section 609.11, is amended by adding a subdivision to read:"

Page 3, lines 3 and 29, delete "*wherein*" and insert "*in which*"

Page 3, after line 7, insert:

"Sec. 4. Minnesota Statutes 1980, Section 609.11, is amended by adding a subdivision to read:"

Page 3, line 13, after "*609.12*" delete the comma and insert "*and*"

Page 3, line 13, delete ", *and any*"

Page 3, line 14, delete "*other law to the contrary*"

Page 3, after line 14, insert:

"Sec. 5. Minnesota Statutes 1980, Section 609.11, is amended by adding a subdivision to read:"

Page 3, line 25, delete "*sentencing*" and insert "*a verdict or finding of guilt at trial or the entry of a plea of guilty*"

Page 3, line 27, delete "*also*"

Page 3, after line 31, insert:

"Sec. 6. Minnesota Statutes 1980, Section 609.11, is amended by adding a subdivision to read:

Subd. 8. [MOTION BY PROSECUTOR.] *Prior to the time of sentencing, the prosecutor may file a motion to have the defendant sentenced without regard to the mandatory minimum terms of imprisonment established by this section. The motion shall be accompanied by a statement on the record of the reasons for it. When presented with the motion and if it finds good cause exists, the court shall sentence the defendant without regard to the mandatory minimum terms of imprisonment established by this section.*

Sec. 7. Minnesota Statutes 1980, Section 609.11, is amended by adding a subdivision to read:"

Page 3, line 32, delete "*8*" and insert "*9*"

Page 4, line 13, strike everything after "court"

Page 4, line 14, strike "authorized by law,"

Page 4, lines 16, 29 and 34, strike "such" and insert "*the*"

Page 4, line 16, strike "as"

Page 4, line 16, strike "may prescribe" and insert "*prescribes*"

Page 4, line 36, delete "*such*" and insert "*the*"

Page 5, line 6, delete the first "*such*" and insert "*that*"

Page 5, line 6, delete the second "*such*" and insert "*the*"

Page 5, line 16, strike "such" and insert "*that*"

Page 5, line 21, after "*offense*" insert "*with force or violence*"

Page 5, line 22, delete "*with force or violence*"

Page 5, line 29, delete "*regardless of*" and insert "*without regard for*"

Page 6, line 27, delete "*9*" and insert "*13*"

Renumber the sections in sequence

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H. F. No. 886 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
886	1277				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 886 be amended as follows:

Page 2, line 17, after the semicolon insert "*or*"

Page 2, line 24, delete "*; or*"

Page 2, delete lines 25 to 32

Page 2, line 33, delete everything before the period

Page 3, line 16, delete "*yet*"

Page 3, line 30, delete "*neither been*" and insert "*been neither*"

Page 4, delete lines 15 to 21 and insert:

"Sec. 4. [EFFECTIVE DATE.]

This act is effective August 1, 1981, and shall apply to all leases commenced, renewed, or extended on or after that date. It shall also apply to all leases of a term of one year or more commenced, renewed, or entered into prior to August 1, 1981, which are still in effect on that date."

Amend the title as follows:

Page 1, line 2, after the semicolon insert "regulating lot rentals;"

Page 1, line 4, delete "requiring disclosure;"

Page 1, delete line 5

Page 1, line 6, delete everything before "amending"

And when so amended H. F. No. 886 will be identical to S. F.No. 1277, and further recommends that H. F. No. 886 be given its second reading and substituted for S. F. No. 1277, 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. 932 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
932	687				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 932 be amended as follows:

Page 11, line 28, reinstate the stricken comma

Page 11, line 29, reinstate the stricken "(2)"

Page 63, line 10, after "*1954*" delete the comma

Page 64, line 13, after "*1954*" delete the comma

Page 96, line 8, after "*1954*" delete the comma

Page 96, line 33, after "~~and~~" insert "*subdivision*", restore "~~8~~" and delete new language

Page 96, line 34, delete new language

Page 97, line 19, after "*1954*" delete the comma

Page 121, line 34, delete the new language and after "2" insert " ~~and does report such change or files a copy of such amended return~~ *within 90 days*" and after the comma insert "~~as required by subdivision 2,~~"

Page 135, line 35, delete "*124.213,*" reinstate the stricken "273.132" and after "~~and~~" insert a comma

Page 139, line 17, after "*4,*" insert "*and*"

And when so amended H. F. No. 932 will be identical to S. F.No. 687, and further recommends that H. F. No. 932 be given its second reading and substituted for S. F. No. 687, 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. Willet from the Committee on Finance, to which was referred

H. F. No. 326: A bill for an act relating to health; changing eligibility requirements for catastrophic health expense protection; including insurance premiums; appropriating money; amending Minnesota Statutes 1980, Sections 62E.52, Subdivisions 2 and 3; 62E.53, Subdivisions 1 and 2; and 62E.531, Subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 22, strike "or" and insert "*plus*"

Page 1, after line 22, insert:

"*(c) 10 percent of the following amount: the person's current total cash or liquid assets, minus the applicable cash or liquid asset amount allowed for medical assistance recipients under section 256B.06, subdivision 1, clause (8); or*"

Page 1, line 24, strike "20" and insert "*25*"

Page 1, after line 25, insert:

"*The following assets shall be disregarded in determining eligibility under this subdivision: one homestead, as defined in section 290A.03, subdivision 6, for a homestead in a city or town or the dwelling and adjoining land not exceeding 80 acres in unplatted land; all necessary vehicles; all household goods and furniture used in the home; all wearing apparel; and a lot in a burial plot. A business or real estate not used as a home shall not be disregarded unless it produces net income applicable to the person's needs.*"

Page 2, after line 7 insert:

"'"*Qualified expense" does not include a charge incurred by an individual who was a member of a health maintenance organization at the time the expense was incurred if that individual could have received the service at no cost through the health maintenance organization. If that individual could*

have received the service at reduced cost through the health maintenance organization, but elected instead to pay for the service elsewhere, "qualified expense" includes only the cost which would have been incurred through use of the health maintenance organization."

Page 2, line 33, strike "20" and insert "*25*"

Page 3, after line 5, insert:

"Sec. 5. [62E.5305] [PROPERTY TRANSFERS.]

Any person who has transferred any real or personal property within one year immediately preceding the date of application for assistance under sections 62E.51 to 62E.55 or who transfers any such property while receiving assistance under sections 62E.51 to 62E.55 without receiving a reasonable consideration for it shall be presumed to have done so in order to become or remain eligible for assistance under sections 62E.51 to 62E.55 or to have deprived himself or his spouse of a resource that otherwise might have been used to meet his or their current needs. The person has the burden of overcoming the presumption to the satisfaction of the county agency."

Page 3, after line 18, insert:

"Sec. 7. Minnesota Statutes 1980, Section 62E.54, is amended by adding a subdivision to read:

Subd. 3. [NONTRANSFERABILITY OF FUNDS.] *The commissioner shall not transfer funds into or out of the funds which are appropriated for the payment of health services under the provisions of sections 62E.51 to 62E.55 to other programs of the department of public welfare.*

Sec. 8. Minnesota Statutes 1980, Section 256.98, is amended to read:

256.98 [WRONGFULLY OBTAINING ASSISTANCE; THEFT.]

A person who obtains, or attempts to obtain, or aids or abets any person to obtain by means of a wilfully false statement or representation, by intentional concealment of a material fact, or by impersonation or other fraudulent device, assistance to which he is not entitled or assistance greater than that to which he is entitled, or who knowingly aids or abets in buying or in any way disposing of the property of a recipient or applicant of assistance without the consent of the local agency with intent to defeat the purposes of sections *62E.51 to 62E.55*, 256.12, 256.72 to 256.872, chapter 256B, is guilty of theft and shall be sentenced pursuant to section 609.52, subdivision 3, clauses (1), (2) and (5). The amount of the assistance incorrectly paid shall be the difference between the amount of assistance actually received and the amount to which the recipient would have been entitled under state and federal law had the welfare agency been informed of all material facts. The amount of any assistance determined to have been incorrectly paid shall be recoverable from the recipient or his estate by the county or the state as a debt due the county or the state or both in proportion to the contribution of each. Any amounts recovered shall be paid to the appropriate units of government in the same manner as provided in section 256.863. To prosecute or to recover assistance wrongfully obtained under this section, the attorney general or the appropriate county attorney, acting independently or at the direction of the attorney general, may institute a criminal or civil action."

Page 3, line 22, delete "*5*" and insert "*8*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, before the period insert "; 62E.54, by adding a subdivision; and 256.98; proposing new law coded in Minnesota Statutes, Chapter 62E"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Knoll from the Committee on Governmental Operations, to which was referred

S. F. No. 1350: A bill for an act relating to state departments; creating a department of state and community resources; transferring all the functions of the state planning agency, energy agency, and department of economic development, and the staff of the crime control planning board, to the department of state and community resources; abolishing the state planning agency, energy agency, and department of economic development; amending Minnesota Statutes 1980, Sections 3.922, Subdivision 1; 4.10; 4.11, Subdivisions 4 and 5; 4.12; 4.125; 4.13; 4.17; 4.18, Subdivision 2; 4.191; 4.26; 4.27; 4.29; 4.35; 4.36, Subdivisions 2, 3, 4, and 5; 15.01; 15.057; 15.50, Subdivision 2; 15A.081, Subdivision 1; 16.014, Subdivision 1; 16.084; 16.086, Subdivisions 1 and 2; 16.125, Subdivision 2; 16.756, Subdivision 1; 18.023, Subdivision 11; 18.024, Subdivision 1; 43.09, Subdivision 2a; 84.028, Subdivision 2; 84.54; 85.016; 85.017; 86.72, Subdivision 3; 86A.06; 86A.09, Subdivisions 1, 2, 3, and 4; 92.35; 92.36; 92.37; 104.03, Subdivision 1; 104.35, Subdivisions 2 and 3; 105.484; 105.485, Subdivision 3; 114A.03, Subdivision 1; 115A.07, Subdivision 1; 115A.12, Subdivision 2; 115A.15, Subdivision 5; 116C.03, Subdvisions 2, 3, and 4; 116H.05; 116H.06; 116H.07; 116H.08; 116H.085; 116H.087; 116H.088, Subdivision 1; 116H.089; 116H.09, Subdivisions 1, 4, and 5; 116H.10; 116H.11; 116H.12, Subdivisions 1, 1b, 2, 4, 5, 6, and 9; 116H.121, Subdivisions 1 and 2; 116H.122; 116H.123; 116H.124; 116H.126; 116H.127; 116H.128; 116H.129, Subdivisions 1, 4, 5, 6, and 8; 116H.13; 116H.14; 116H.15, Subdivision 2; 116H.17; 116H.18; 116H.19, Subdivision 1; 116H.23; 120.78, Subdivision 1; 124.225, Subdivision 4a; 126.111, Subdivision 2; 137.31, Subdivision 6; 138.93, Subdivision 4; 145.834; 145.835, Subdivision 1; 145.836, Subdivision 1; 145.837, Subdivision 1; 145.845; 145.912, Subdivision 15; 160.262, Subdivisions 1 and 3; 160.265, Subdivision 1; 174.03, Subdivision 7; 204.06, Subdivision 1b; 216B.241, Subdivision 2; 222.62; 222.65; 245.783, Subdivision 2; 268.014; 273.74, Subdivisions 2 and 5; 275.53, Subdivisions 1, 3, and 4; 290.06, Subdivision 14; 298.48, Subdivision 4; 299A.03, Subdivision 5; 299A.04; 301.75; 301.77, Subdivision 1; 301A.01, Subdivision 1; 301A.05; 301A.07, Subdivision 1; 325F.19, Subdivision 3; 325F.19, Subdivision 6; 325F.20, Subdivision 1; 325F.21, Subdivision 2; 325F.23, Subdivision 1; 325F.24, Subdivision 3a; 362.12, Subdivision 1; 362.13; 362.132; 362.40, Subdivisions 8, 9, and 10; 362.41, Subdivision 5; 362.42; 362.51, Subdivisions 8 and 10; 362A.06; 402.045; 402.062, Subdivision 1; 402.095; 451.09, Subdivision 2; 462.375; 462.384, Subdivision 7; 462.385, Subdivisions 1 and 3; 462.386; 462.387; 462.39, Subdivisions 2 and 3; 462.391, Subdivisions 2, 3, and 4; 462.395; 462.396, Subdivision 1; 462.398; 462.421, Subdivision 21; 462A.05, Subdivision 15b;

473.204, Subdivision 2; 473.411, Subdivision 1; 473.857, Subdivision 2; 473H.06, Subdivision 5; 474.01, Subdivisions 6, 7, and 8; 641.24; proposing new law coded as Minnesota Statutes, Chapter 116J; repealing Minnesota Statutes 1980, Sections 4.11, Subdivisions 1, 2, 3, 6, 7, and 8; 4.15; 4.16; 16.014, Subdivision 3; 115A.08, Subdivisions 1, 2, and 3; 116H.001; 116H.02, Subdivisions 2 and 4; 116H.03; 116H.09, Subdivisions 2 and 3; 116H.12, Subdivision 3b; 126.52, Subdivision 12; 254A.06; 362.07; 362.08; 362.09; 362.10; 362.11; 362.12, Subdivisions 2 and 3; 362.121; 362.125; 362.15; 362.17; 362.18; 362.19; 362.23; 462.711; and 473.571, Subdivisions 2, 3, and 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, lines 28 and 29, delete "STATE AND COMMUNITY RESOURCES" and insert "PLANNING, ENERGY AND DEVELOPMENT"

Page 2, line 30, to page 125, line 5, delete the term " *state and community resources*" wherever it appears and insert " *planning, energy and development*"

Page 3, line 20, delete "*5*" and insert "*4*"

Page 3, line 30, delete "*6*" and insert "*5*"

Page 4, line 1, delete "*7*" and insert "*6*"

Page 4, line 8, delete "*8*" and insert "*7*"

Page 4, line 10, delete "*was undertaken*" and insert " *involved*" and after "*or*" insert "*was*"

Page 4, line 15, after "*it*" insert "*involved or*"

Page 4, line 16, delete "*undertaken or*"

Page 4, line 18, delete "*9*" and insert "*8*"

Page 4, line 32, delete "*10*" and insert "*9*"

Page 5, after line 14, insert:

"Sec. 4. [116J.04] [ENERGY POLICY DEVELOPMENT COUNCIL.]

A council of 15 members to act in an advisory capacity on energy policy development to the commissioner is created. Members shall be appointed by the governor, with the advice and consent of the senate, one from each congressional district and seven from the state at large. The council members shall broadly represent the scientific, technical, educational, business and labor fields and at least four members shall be from educational and scientific research institutions. The council shall develop recommendations on policy for energy issues and energy needs and shall advise the commissioner on the energy related functions of the department. The commissioner shall report to the legislature on the major energy policy recommendations of the council. The council shall organize and elect among its members such other officers as it may deem necessary. The council shall meet at the call of the chairman but not less than one time each month. The terms, compensation and removal of members shall be as provided by section 15.059.

Sec. 5. [299A.20] [POLICY.]

The legislature declares that efforts to control crime and improve the criminal justice system in this state must begin with comprehensive planning and improved coordination among federal, state and local criminal justice system agencies. This planning and coordinating effort must be responsive to the unique problems and resources that exist in the different development regions within the state. Only through the creation of a statewide network of local and regional crime control advisory councils can these efforts to control crime and improve the criminal justice system be implemented.

Sec. 6. [299A.21] [CRIME CONTROL PLANNING REGIONS.]

Each of the development regions authorized to be established by Minnesota Statutes, Section 462.385, and the territory defined by Laws 1967, Chapter 896, shall be designated crime control planning regions.

Sec. 7. [299A.22] [REGIONAL ADVISORY COUNCIL.]

Subdivision 1. [MEMBERSHIP.] *Each crime control planning region shall have a regional crime control advisory council of not more than 25 members appointed by the regional development commission and, if applicable, the county board pursuant to subdivision 3. The metropolitan council shall be the regional crime control advisory council for the metropolitan area.*

Subd. 2. [COOPERATIVE PLANNING.] *Nothing in this subdivision shall be construed to prohibit joint and cooperative planning efforts between regions or between units of local government geographically located within the metropolitan area as defined by Minnesota Statutes, Section 473.121, Subdivision 2. Additionally, regional development commissions may contract with a nonprofit agency for the purpose of performing the functions contained in section 6.*

Subd. 3. [MEMBERS.] *Members of the regional crime control advisory councils shall be appointed for a two year term but serve at the pleasure of the regional development commission. Metropolitan council members shall serve their terms as defined by Minnesota Statutes, Section 473.123, Subdivision 2. Each county geographically located within a regional development commission jurisdiction shall be represented by at least one member on the regional crime control advisory council appointed by the county board. The regional crime control advisory council shall organize itself and elect a chairperson.*

Subd. 4. [ADMINISTRATIVE SERVICES.] *Each regional development commission and the metropolitan council, or contracted agency, shall provide the regional crime control advisory council with office space, staff support, and administrative services.*

Sec. 8. [299A.23] [PLANNING FUNCTIONS; REGIONAL AND LOCAL.]

Each regional advisory council shall:

(a) Develop and revise as necessary a comprehensive plan for the control of crime and the improvement of the criminal justice system in the region. This comprehensive criminal justice plan shall include:

(1) An analysis of data which indicates the current status and trends of crime and delinquency in the region;

(2) Data indicating the availability of public and private, paid and volun-

tary resources available for crime prevention control activities in the region;

(3) A statement of regional crime control and criminal justice system improvement goals, policies, priorities, and implementation strategies. The implementation strategies shall include proposed legislation, proposed technical assistance projects, proposed coordinating activities, and proposed guidelines for the allocation of federal, state, and local resources within the region.

(b) Serve as the regional clearinghouse for:

(1) Information on crime, crime trends, criminal justice research and evaluation results, methods for preventing and controlling crime and delinquency, technical assistance available from federal, state, and local agencies, crime control and prevention resources, criminal justice and juvenile justice legislation;

(2) Review and comment on federal and state grant applications for criminal justice projects affecting agencies and units of government in the region.

(c) Evaluate and report to the department of planning, energy and development the impact of proposed or existing criminal justice legislation on local governments and agencies and special populations in the region.

(d) Assist local governments and agencies in the development and implementation and evaluation of crime control and justice system improvement project activities.

(e) Coordinate and integrate where appropriate criminal and juvenile justice activities with the other planning and policy development activities performed by regional development commissions and the metropolitan council.

(f) Develop and implement public information programs to promote voluntary, coordinated crime and delinquency prevention and control activities by public and private agencies and community groups in the region.

(g) Assist local governments and agencies in the development and implementation of coordinated projects and activities that will increase the cost-effectiveness of crime control and justice system improvement efforts in the region.

(h) Administer block grants awarded pursuant to the federal crime control acts or other state or federal acts providing appropriations for crime control and justice system improvement, including federal funds allocated to local units of government.

Sec. 9. [299A.25] [EVALUATION.]

Prior to September 30, 1984, the regional crime control advisory councils, the department of planning, energy and development, and the legislative audit commission shall conduct an evaluation of the effectiveness of the statewide crime control planning process authorized and established by this act and report the results of the evaluation to the governor and the legislature prior to December 15, 1984."

Page 7, after line 18, insert:

"Sec. 14. Minnesota Statutes 1980, Section 4.11, Subdivision 8, is amended to read:

Subd. 8. Within the organization of the state ~~planning agency~~ *department of*

planning, energy and development , the position of state demographer shall be appointed by and serve under the supervision and control of the ~~director of planning~~ *commissioner* . The state demographer shall be professionally competent in the field of demography and shall possess demonstrated ability, based upon experience and past performance.''

Page 14, line 29, before ''is'' insert ''*Subdivision 1,*''

Page 14, delete line 31

Page 45, line 19, before ''a'' insert ''*and*''

Page 45, line 21, strike '', the chairman of the citizens advisory committee, and''

Page 45, strike lines 22 to 24

Page 45, line 25, strike everything before the period

Page 45, line 26, strike ''Upon the expiration of the citizens advisory committee''

Page 45, line 27, strike ''four'' and insert ''*five*''

Page 50, delete line 24

Page 52, delete lines 7 and 8

Page 57, delete line 11

Page 59, delete lines 12 and 13

Page 65, delete lines 32 and 33

Page 71, delete line 33

Page 77, delete line 35

Page 112, line 30, after ''462.386'' insert '', *Subdivision 1*''

Page 112, delete lines 32 and 33

Page 118, line 31, after ''462A.05'' insert a comma

Page 118, line 32, delete ''15'' and insert ''15b''

Page 124, line 15, delete ''*7, and 8*'' and insert ''*and 7*'' and delete ''*115A.08,*''

Page 124, line 16, delete ''*Subdivisions 1, 2 and 3;*''

Page 124, line 19, delete ''*362.121; 362.125;*''

Page 124, after line 25, insert:

''Sec. 189. [APPROPRIATION.]

Subdivision 1. There is appropriated from the general fund the sums indicated in this section for the fiscal year ending June 30 in the years designated for the following purposes.

Subd. 2. [REGIONAL CRIME CONTROL PLANNING; 1982.] *For the regional crime control planning activities established pursuant to section 8, there is appropriated to the following regional development commissions the following amounts for fiscal year 1982.*

Region 1	*$ 14,057*
Region 2	*14,057*
Region 3	*50,390*
Region 4	*37,966*
Region D	*50,390*
Region E	*54,692*
Region 9	*32,008*
Region 10	*34,370*
Region 11	*292,915*

Subd. 3. [REGIONAL CRIME CONTROL PLANNING; 1983.] *For the regional crime control planning activities established pursuant to section 8, there is appropriated to the following regional development commissions the following amounts for fiscal year 1983.*

Region 1	*$ 13,364*
Region 2	*13,363*
Region 3	*48,339*
Region 4	*35,056*
Region D	*48,319*
Region E	*52,084*
Region 9	*31,067*
Region 10	*33,224*
Region 11	*279,131*

Subd. 4. The appropriations in this section shall not be used for a purpose other than the purpose indicated.

Sec. 190. [REPEALER.]

Sections 5, 6, 7, 8, and 9 are repealed effective July 1, 1985."

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 3 and 7, delete "state and community resources" and insert "planning, energy and development"

Page 1, line 9, after the semicolon insert "creating an advisory committee on energy policy development; appropriating money;"

Page 1, line 11, after the first "4" delete "and 5" and insert ", 5, and 8"

Page 1, line 12, after "4.26" insert ", Subdivision 1"

Page 1, line 24, delete "Subdvisions" and insert "Subdivisions"

Page 1, line 39, delete "204.06" and insert "204A.06"

Page 1, line 46 delete the second "Subdivision" and insert "Subdivisions" and before the last semicolon insert "and 6"

Page 2, line 1, delete "325F.19, Subdivision 6;"

Page 2, line 8, after "462.386" insert ", Subdivision 1"

Page 2, line 16, after "116J;" insert "proposing new law coded in Minnesota Statutes, Chapter 299A;"

Page 2, line 17, delete "7, and" and insert "and 7"

Page 2, line 18, delete "8" and delete "115A.08,"

Page 2, line 19, delete "Subdivisions 1, 2, and 3;"

Page 2, line 23, delete "362.121; 362.125;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Pursuant to Joint Rule 2.03, S.F. No. 1350 was referred to the Committee on Rules and Administration.

SECOND READING OF SENATE BILLS

S. F. Nos. 1247, 764, 1212, 1265, 413, 1160, 665, 1087, 1226, 1075, 1211, 1292, 613, 733, 391, 941, 1335 and 118 were read the second time.

SECOND READING OF HOUSE BILLS

H. F. Nos. 817, 386, 462, 509, 121, 321, 222, 171, 615, 356, 14, 276, 2, 886, 932 and 326 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Lindgren moved that the name of Mr. Stern be added as co-author to S. F. No. 685. The motion prevailed.

Mr. Lindgren moved that the names of Messrs. Merriam and Rued be added as co-authors to S. F. No. 803. The motion prevailed.

Mr. Lindgren moved that the name of Mr. Dahl be added as co-author to S. F. No. 1312. The motion prevailed.

Mr. Bang moved that the name of Mr. Stern be added as co-author to S. F. No. 1362. The motion prevailed.

Mr. Stern introduced—

Senate Concurrent Resolution No. 6: A Senate concurrent resolution commemorating the victims of the Holocaust, honoring the survivors, and proclaiming the week of April 26 to May 3 as Minnesota Days of Holocaust Remembrance.

WHEREAS, within the lifetimes of nearly half of the current population of these United States, six million men, women, and children were murdered in the Nazi Holocaust because they happened to be Jews; and,

WHEREAS, millions of other innocent men, women and children were also brutally murdered by the machinery of the state; and,

WHEREAS, April 30, 1981 has been designated pursuant to Act of Congress, Public Law 96-388, as a Day of Remembrance of Victims of the Nazi Holocaust, known internationally as Yom Hashoah, for the six million and other millions; and;

WHEREAS, it is fitting for the legislature to remember them, honor the survivors and their liberators, and to rededicate itself to eternal vigilance against all tyranny and against those who would deny the principle of equal justice for all people; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Minnesota, the House of Representatives concurring, that they join with the Governor of the State of Minnesota in proclaiming the week of April 26 through May 3, 1981 as the Minnesota Days of Holocaust Remembrance. The people of Minnesota are urged to reflect upon these past horrors to better recognize that bigotry gave them birth and is the womb of tyranny. The legislature and the Governor dedicate April 30, 1981, to a Holocaust Commemoration and resolve that the victims shall not die a second death in our reluctance to ponder and meditate upon the deeds done in those dark days.

BE IT FURTHER RESOLVED that copies of this resolution with the signature of the Governor be forwarded by the Secretary of State to the President of the United States, to the Minnesota Congressional delegation, to the Minnesota Senators, and to the United States Holocaust Memorial Council.

Mr. Stern moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Mr. Wegener moved that S. F. No. 145 be taken from the table. The motion prevailed.

RECONSIDERATION

Having voted on the prevailing side, Mr. Wegener moved that the vote whereby the Senate concurred in the House amendments to S. F. No. 145 be now reconsidered. The motion prevailed.

Mr. Wegener moved that the Senate do not concur in the amendments by the House to S. F. No. 145, 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.

CALENDAR

H. F. No. 708: A bill for an act relating to public improvements; permitting deferral of special assessments in instances of hardship; amending Minnesota Statutes 1980, Section 435.193.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Penny	Solon
Bang	Dieterich	Langseth	Peterson,C.C.	Spear
Belanger	Engler	Lantry	Peterson,D.L.	Stern
Benson	Frank	Lessard	Peterson,R.W.	Stokowski
Berg	Frederick	Lindgren	Petty	Stumpf
Berglin	Frederickson	Luther	Pillsbury	Taylor
Bernhagen	Hanson	Menning	Purfeerst	Ulland
Bertram	Hughes	Merriam	Ramstad	Vega
Brataas	Humphrey	Moe, D. M.	Renneke	Waldorf
Chmielewski	Johnson	Moe, R. D.	Rued	Wegener
Dahl	Keefe	Nelson	Schmitz	Willet
Davies	Knoll	Olhoft	Setzepfandt	
Davis	Kroening	Pehler	Sieloff	

So the bill passed and its title was agreed to.

S. F. No. 649: A bill for an act relating to probate; limiting benefits under life insurance policies payable to corporations to portion of shares not owned by person who killed decedent; establishing procedures for distribution of unpaid benefits; amending Minnesota Statutes 1980, Section 524.2-803.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Penny	Sikorski
Bang	Dieterich	Langseth	Peterson,C.C.	Solon
Belanger	Engler	Lantry	Peterson,D.L.	Spear
Benson	Frank	Lessard	Peterson,R.W.	Stern
Berg	Frederick	Lindgren	Petty	Stokowski
Berglin	Frederickson	Luther	Pillsbury	Stumpf
Bernhagen	Hanson	Menning	Purfeerst	Taylor
Bertram	Hughes	Merriam	Ramstad	Ulland
Brataas	Humphrey	Moe, D. M.	Renneke	Vega
Chmielewski	Johnson	Moe, R. D.	Rued	Waldorf
Dahl	Keefe	Nelson	Schmitz	Wegener
Davies	Knoll	Olhoft	Setzepfandt	Willet
Davis	Kroening	Pehler	Sieloff	

So the bill passed and its title was agreed to.

S. F. No. 830: A bill for an act relating to creditor's remedies; providing for an increase in the amount of household goods exemption; amending Minnesota Statutes 1980, Section 550.37, Subdivision 4.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 6, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kroening	Pehler	Sikorski
Bang	Dieterich	Kronebusch	Penny	Solon
Belanger	Engler	Langseth	Peterson,D.L.	Spear
Benson	Frank	Lantry	Peterson,R.W.	Stern
Berg	Frederick	Lessard	Petty	Stokowski
Berglin	Frederickson	Lindgren	Pillsbury	Stumpf
Bernhagen	Hanson	Luther	Purfeerst	Taylor
Brataas	Hughes	Menning	Ramstad	Ulland
Chmielewski	Humphrey	Moe, D. M.	Renneke	Vega
Dahl	Johnson	Moe, R. D.	Rued	Waldorf
Davies	Keefe	Nelson	Schmitz	
Davis	Knoll	Olhoft	Sieloff	

Those who voted in the negative were:

Bertram	Peterson,C.C.	Setzepfandt	Wegener	Willet
Merriam				

So the bill passed and its title was agreed to.

S. F. No. 1104: A bill for an act relating to the public defender; establishing the board of public defense; transferring public defender responsibilities from the judicial council to the board of public defense; abolishing the judicial

council; amending Minnesota Statutes 1980, Sections 611.23; 611.24; 611.26, Subdivisions 1, 2, 3, 4, and 5; proposing new law coded in Minnesota Statutes, Chapter 611; repealing Minnesota Statutes 1980, Sections 480.053; 483.01; and 483.02.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Penny	Sikorski
Bang	Dieterich	Langseth	Peterson,C.C.	Solon
Belanger	Engler	Lantry	Peterson,D.L.	Spear
Benson	Frank	Lessard	Peterson,R.W.	Stern
Berg	Frederick	Lindgren	Petty	Stokowski
Berglin	Frederickson	Luther	Pillsbury	Stumpf
Bernhagen	Hanson	Menning	Purfeerst	Taylor
Bertram	Hughes	Merriam	Ramstad	Ulland
Brataas	Humphrey	Moe, D. M.	Renneke	Vega
Chmielewski	Johnson	Moe, R. D.	Rued	Waldorf
Dahl	Keefe	Nelson	Schmitz	Wegener
Davies	Knoll	Olhoft	Setzepfandt	Willet
Davis	Kroening	Pehler	Sieloff	

So the bill passed and its title was agreed to.

S. F. No. 98: A bill for an act relating to local government; providing for the membership of the municipal board; amending Minnesota Statutes 1980, Section 414.01, Subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 2, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Peterson,C.C.	Solon
Bang	Dieterich	Langseth	Peterson,D.L.	Spear
Belanger	Engler	Lantry	Peterson,R.W.	Stern
Benson	Frank	Lessard	Petty	Stokowski
Berg	Frederick	Lindgren	Pillsbury	Taylor
Berglin	Frederickson	Luther	Purfeerst	Ulland
Bernhagen	Hanson	Menning	Ramstad	Vega
Bertram	Hughes	Moe, D. M.	Renneke	Waldorf
Brataas	Humphrey	Moe, R. D.	Rued	Wegener
Chmielewski	Johnson	Nelson	Schmitz	Willet
Dahl	Keefe	Olhoft	Setzepfandt	
Davies	Knoll	Pehler	Sieloff	
Davis	Kroening	Penny	Sikorski	

Messrs. Merriam and Stumpf voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 1002: A bill for an act relating to tax forfeited lands; sale of stumpage without bids; amending Minnesota Statutes 1980, Section 282.04, Subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Dieterich	Langseth	Peterson,C.C.	Solon
Belanger	Engler	Lantry	Peterson,D.L.	Spear
Benson	Frank	Lessard	Peterson,R.W.	Stern
Berg	Frederick	Lindgren	Petty	Stokowski
Berglin	Frederickson	Luther	Pillsbury	Stumpf
Bernhagen	Hanson	Menning	Purfeerst	Taylor
Bertram	Hughes	Merriam	Ramstad	Ulland
Brataas	Humphrey	Moe, D. M.	Renneke	Vega
Chmielewski	Johnson	Moe, R. D.	Rued	Waldorf
Dahl	Keefe	Nelson	Schmitz	Wegener
Davies	Knoll	Olhoft	Setzepfandt	Willet
Davis	Kroening	Pehler	Sieloff	
Dicklich	Kronebusch	Penny	Sikorski	

So the bill passed and its title was agreed to.

S. F. No. 227: A bill for an act relating to the organization and operation of government; creating a legislative commission on metropolitan governance; requiring a study of relationships among metropolitan institutions and agencies of government; specifying other duties; mandating a report to the legislature.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 36 and nays 28, as follows:

Those who voted in the affirmative were:

Ashbach	Davis	Lessard	Peterson,C.C.	Stern
Belanger	Engler	Lindgren	Pillsbury	Vega
Benson	Frederickson	Menning	Renneke	Wegener
Berg	Hanson	Moe, R. D.	Rued	Willet
Bernhagen	Hughes	Nelson	Schmitz	
Bertram	Keefe	Olhoft	Setzepfandt	
Chmielewski	Langseth	Pehler	Sikorski	
Davies	Lantry	Penny	Solon	

Those who voted in the negative were:

Bang	Frank	Kronebusch	Petty	Stumpf
Berglin	Frederick	Luther	Purfeerst	Taylor
Brataas	Humphrey	Merriam	Ramstad	Ulland
Dahl	Johnson	Moe, D. M.	Sieloff	Waldorf
Dicklich	Knoll	Peterson,D.L.	Spear	
Dieterich	Kroening	Peterson,R.W.	Stokowski	

So the bill passed and its title was agreed to.

S. F. No. 1057: A bill for an act relating to the state fire marshal; deleting references to a dedicated fund and to archaic misdemeanor fines; prescribing procedures for the investigation of fires; repealing obsolete statutory requirements pertaining to flammable liquids, fire extinguishers, doors of buildings, and theaters; correcting an erroneous designation of responsibility concerning fire insurance premium returns; setting a penalty; amending Minnesota Statutes 1980, Sections 299F.011, Subdivision 1; 299F.08; 299F.09; 299F.19; 299F.20; 299F.21; 299F.22; 299F.23; 299F.24; 299F.26, Subdivision 1;

299F.29; 299F.31; 299F.36, Subdivision 2; 299F.391, Subdivision 1; and 299F.46, Subdivision 1; repealing Minnesota Statutes 1980, Sections 299F.011, Subdivision 2; 299F.27; 299G.10; 299H.01; 299H.02; and 299H.28, Subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 2, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Peterson,D.L.	Spear
Bang	Dieterich	Langseth	Peterson,R.W.	Stern
Belanger	Engler	Lantry	Petty	Stokowski
Benson	Frank	Lessard	Pillsbury	Stumpf
Berg	Frederick	Lindgren	Purfeerst	Taylor
Berglin	Frederickson	Luther	Ramstad	Tennessen
Bernhagen	Hanson	Menning	Renneke	Ulland
Bertram	Hughes	Moe, D. M.	Rued	Vega
Brataas	Humphrey	Moe, R. D.	Schmitz	Waldorf
Chmielewski	Johnson	Nelson	Setzepfandt	Wegener
Dahl	Keefe	Olhoft	Sieloff	Willet
Davies	Knoll	Pehler	Sikorski	
Davis	Kroening	Penny	Solon	

Messrs. Merriam and Peterson,C.C. voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 73: A bill for an act relating to economic development; regulating municipal industrial development; permitting certain industrial development projects within the metropolitan area; prohibiting moral obligation debt; amending Minnesota Statutes 1980, Sections 474.01, Subdivisions 7a, 7b, 8, and by adding a subdivision; 474.02, Subdivision 1b; 474.05; 474.06; and 474.08.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Peterson,C.C.	Solon
Bang	Dieterich	Langseth	Peterson,D.L.	Spear
Belanger	Engler	Lantry	Peterson,R.W.	Stern
Benson	Frank	Lessard	Petty	Stokowski
Berg	Frederick	Lindgren	Pillsbury	Stumpf
Berglin	Frederickson	Menning	Purfeerst	Taylor
Bernhagen	Hanson	Merriam	Ramstad	Tennessen
Bertram	Hughes	Moe, D. M.	Renneke	Ulland
Brataas	Humphrey	Moe, R. D.	Rued	Vega
Chmielewski	Johnson	Nelson	Schmitz	Waldorf
Dahl	Keefe	Olhoft	Setzepfandt	Wegener
Davies	Knoll	Pehler	Sieloff	Willet
Davis	Kroening	Penny	Sikorski	

So the bill passed and its title was agreed to.

S. F. No. 464: A bill for an act relating to commerce; providing for a lien on all personal property stored at certain storage facilities; defining terms; es-

tablishing a procedure for the enforcement of the liens; proposing new law coded in Minnesota Statutes, Chapter 514.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 4, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Lantry	Peterson,D.L.	Stokowski
Belanger	Engler	Lessard	Peterson,R.W.	Stumpf
Benson	Frank	Lindgren	Petty	Taylor
Berg	Frederick	Luther	Purfeerst	Tennessen
Berglin	Frederickson	Menning	Ramstad	Ulland
Bernhagen	Hanson	Merriam	Renneke	Vega
Bertram	Hughes	Moe, D. M.	Schmitz	Waldorf
Brataas	Humphrey	Moe, R. D.	Setzepfandt	Wegener
Chmielewski	Johnson	Nelson	Sieloff	Willet
Dahl	Knoll	Olhoft	Sikorski	
Davies	Kroening	Pehler	Solon	
Davis	Kronebusch	Penny	Spear	
Dicklich	Langseth	Peterson,C.C.	Stern	

Messrs. Bang, Keefe, Pillsbury and Rued voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 470: A bill for an act relating to the collection and dissemination of data; classifying data; proposing classifications of data as private, confidential nonpublic and protected nonpublic; making certain changes in laws relating to the collection and dissemination of data; amending Minnesota Statutes 1980, Sections 15.1611, Subdivision 2; 15.162, Subdivisions 1a, 2a, 5a, 5b, 5c, and 8; 15.163, Subdivision 4; 15.1642, Subdivision 2a; 15.165, Subdivision 3; 15.1672; 15.1673; 15.1692, Subdivision 3, and by adding a subdivision; 15.1693, by adding a subdivision; 15.1695, Subdivision 1; 15.1698, Subdivision 1; and 15.1699; providing for the recodification of Minnesota Statutes, Sections 15.1611 to 15.1699.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 3, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kroening	Peterson,C.C.	Stern
Bang	Dieterich	Kronebusch	Peterson,D.L.	Stokowski
Belanger	Engler	Langseth	Peterson,R.W.	Stumpf
Benson	Frank	Lantry	Petty	Taylor
Berg	Frederick	Lessard	Pillsbury	Tennessen
Berglin	Frederickson	Lindgren	Ramstad	Ulland
Bernhagen	Hanson	Luther	Rued	Vega
Bertram	Hughes	Menning	Schmitz	Waldorf
Brataas	Humphrey	Merriam	Setzepfandt	Wegener
Chmielewski	Johnson	Moe, R. D.	Sieloff	Willet
Dahl	Keefe	Nelson	Sikorski	
Davies	Knoll	Olhoft	Solon	
Davis	Knutson	Pehler	Spear	

Messrs. Penny, Purfeerst and Renneke voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 1154: A bill for an act relating to state land; authorizing the conveyance of certain state lands in Pine county to the Amherst H. Wilder Foundation.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Dieterich	Kronebusch	Penny	Sikorski
Belanger	Engler	Langseth	Peterson,C.C.	Solon
Benson	Frank	Lantry	Peterson,D.L.	Spear
Berg	Frederick	Lessard	Peterson,R.W.	Stern
Berglin	Frederickson	Lindgren	Petty	Stokowski
Bernhagen	Hanson	Luther	Pillsbury	Stumpf
Bertram	Hughes	Menning	Purfeerst	Taylor
Brataas	Humphrey	Merriam	Ramstad	Tennessen
Chmielewski	Johnson	Moe, D. M.	Renneke	Ulland
Dahl	Keefe	Moe, R. D.	Rued	Vega
Davies	Knoll	Nelson	Schmitz	Waldorf
Davis	Knutson	Olhoft	Setzepfandt	Wegener
Dicklich	Kroening	Pehler	Sieloff	Willet

So the bill passed and its title was agreed to.

CONSENT CALENDAR

H.F. No. 1237: A bill for an act relating to the city of Blaine; permitting all council members to serve on the housing and redevelopment authority.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 2, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Lantry	Peterson,D.L.	Spear
Bang	Dieterich	Lessard	Peterson,R.W.	Stern
Belanger	Engler	Lindgren	Petty	Stokowski
Benson	Frank	Luther	Pillsbury	Stumpf
Berg	Frederick	Menning	Purfeerst	Taylor
Berglin	Frederickson	Merriam	Ramstad	Tennessen
Bernhagen	Hanson	Moe, D. M.	Renneke	Ulland
Bertram	Hughes	Moe, R. D.	Rued	Vega
Brataas	Humphrey	Nelson	Schmitz	Wegener
Chmielewski	Johnson	Olhoft	Setzepfandt	Willet
Dahl	Knutson	Pehler	Sieloff	
Davies	Kronebusch	Penny	Sikorski	
Davis	Langseth	Peterson,C.C.	Solon	

Messrs. Kroening and Waldorf voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 847: A bill for an act relating to highway traffic regulations; providing for the designation and undesignation of routes to carry certain gross weights; amending Minnesota Statutes 1980, Section 169.832, Subdivision

11; repealing Minnesota Statutes 1980, Section 169.832, Subdivision 12.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 1, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Lantry	Peterson,D.L.	Stern
Bang	Engler	Lessard	Peterson,R.W.	Stokowski
Belanger	Frank	Lindgren	Petty	Stumpf
Benson	Frederick	Luther	Pillsbury	Taylor
Berg	Frederickson	Menning	Purfeerst	Tennessen
Berglin	Hanson	Merriam	Ramstad	Ulland
Bernhagen	Hughes	Moe, D. M.	Renneke	Vega
Bertram	Humphrey	Moe, R. D.	Rued	Waldorf
Brataas	Johnson	Nelson	Schmitz	Wegener
Chmielewski	Knutson	Olhoft	Setzepfandt	Willet
Dahl	Kroening	Pehler	Sieloff	
Davis	Kronebusch	Penny	Sikorski	
Dicklich	Langseth	Peterson,C.C.	Solon	

Mr. Davies voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 467: A bill for an act relating to motor vehicles; authorizing the identification of certain tax exempt vehicles by use of removable plates or placards; amending Minnesota Statutes 1980, Section 168.012, Subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kroening	Pehler	Sieloff
Bang	Dieterich	Kronebusch	Penny	Solon
Belanger	Engler	Langseth	Peterson,C.C.	Spear
Benson	Frank	Lantry	Peterson,D.L.	Stern
Berg	Frederick	Lessard	Peterson,R.W.	Stokowski
Berglin	Frederickson	Lindgren	Petty	Stumpf
Bernhagen	Hanson	Luther	Pillsbury	Taylor
Bertram	Hughes	Menning	Purfeerst	Tennessen
Brataas	Humphrey	Merriam	Ramstad	Ulland
Chmielewski	Johnson	Moe, D. M.	Renneke	Vega
Dahl	Keefe	Moe, R. D.	Rued	Waldorf
Davies	Knoll	Nelson	Schmitz	Wegener
Davis	Knutson	Olhoft	Setzepfandt	Willet

So the bill passed and its title was agreed to.

S. F. No. 1259: A bill for an act relating to Independent School District No. 281, Robbinsdale; providing an alley system for at large election of school board members.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 55 and nays 9, as follows:

Those who voted in the affirmative were:

Belanger	Engler	Kronebusch	Penny	Spear
Benson	Frank	Langseth	Peterson,C.C.	Stern
Berglin	Frederick	Lantry	Peterson,R.W.	Stokowski
Bertram	Frederickson	Lessard	Petty	Stumpf
Brataas	Hanson	Luther	Pillsbury	Taylor
Chmielewski	Hughes	Menning	Ramstad	Tennessen
Dahl	Humphrey	Merriam	Renneke	Ulland
Davies	Johnson	Moe, R. D.	Schmitz	Vega
Davis	Keefe	Nelson	Setzepfandt	Waldorf
Dicklich	Knoll	Olhoft	Sieloff	Wegener
Dieterich	Kroening	Pehler	Solon	Willet

Those who voted in the negative were:

Ashbach	Berg	Knutson	Peterson,D.L.	Rued
Bang	Bernhagen	Lindgren	Purfeerst	

So the bill passed and its title was agreed to.

S. F. No. 1343: A bill for an act relating to elections; providing for automatic recounts in certain judicial elections; amending Minnesota Statutes 1980, Sections 204A.51, Subdivisions 2 and 3; and 204A.53, Subdivisions 2 and 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kroening	Pehler	Solon
Bang	Dieterich	Kronebusch	Penny	Spear
Belanger	Engler	Langseth	Peterson,C.C.	Stern
Benson	Frank	Lantry	Peterson,D.L.	Stokowski
Berg	Frederick	Lessard	Peterson,R.W.	Stumpf
Berglin	Frederickson	Lindgren	Petty	Taylor
Bernhagen	Hanson	Luther	Pillsbury	Tennessen
Bertram	Hughes	Menning	Purfeerst	Ulland
Brataas	Humphrey	Merriam	Ramstad	Vega
Chmielewski	Johnson	Moe, D. M.	Rued	Waldorf
Dahl	Keefe	Moe, R. D.	Schmitz	Wegener
Davies	Knoll	Nelson	Setzepfandt	Willet
Davis	Knutson	Olhoft	Sieloff	

So the bill passed and its title was agreed to.

H. F. No. 1178: A bill for an act relating to the board of medical examiners; allowing temporary suspension of physicians' licenses without a hearing under certain conditions; amending Minnesota Statutes 1980, Section 147.021, by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 1, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kroening	Peterson,C.C.	Spear
Bang	Dieterich	Kronebusch	Peterson,D.L.	Stern
Belanger	Engler	Langseth	Peterson,R.W.	Stokowski
Benson	Frank	Lantry	Petty	Stumpf
Berg	Frederick	Lessard	Pillsbury	Taylor
Berglin	Frederickson	Lindgren	Purfeerst	Tennessen
Bernhagen	Hanson	Luther	Ramstad	Ulland
Bertram	Hughes	Menning	Renneke	Vega
Brataas	Humphrey	Moe, D. M.	Rued	Waldorf
Chmielewski	Johnson	Moe, R. D.	Schmitz	Wegener
Dahl	Keefe	Nelson	Setzepfandt	Willet
Davies	Knoll	Pehler	Sieloff	
Davis	Knutson	Penny	Solon	

Mr. Merriam voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 1193: A bill for an act relating to the city of Crystal; providing for the designation of polling places in a certain precinct.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Langseth	Peterson,D.L.	Stern
Bang	Engler	Lantry	Peterson,R.W.	Stokowski
Belanger	Frank	Lessard	Petty	Stumpf
Benson	Frederick	Lindgren	Pillsbury	Taylor
Berg	Frederickson	Luther	Purfeerst	Tennessen
Berglin	Hanson	Menning	Ramstad	Ulland
Bernhagen	Hughes	Merriam	Renneke	Vega
Bertram	Humphrey	Moe, D. M.	Rued	Waldorf
Brataas	Johnson	Moe, R. D.	Schmitz	Wegener
Chmielewski	Keefe	Nelson	Setzepfandt	Willet
Dahl	Knoll	Olhoft	Sieloff	
Davies	Knutson	Pehler	Sikorski	
Davis	Kroening	Penny	Solon	
Dicklich	Kronebusch	Peterson,C.C.	Spear	

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Belanger in the chair.

After some time spent therein, the committee arose, and Mr. Berg reported that the committee had considered the following:

S. F. Nos. 642, 460, 937, 1125, 536 and H. F. Nos. 574, 972, 937, 29, 157, 876, 480, 525, 415, 150, 731 and 969, which the committee recommends to pass.

S. F. No. 838, which the committee recommends be returned to the Committee on Judiciary.

S. F. No. 405, which the committee recommends be returned to the Committee on Employment.

S. F. No. 50, which the committee recommends be returned to the Committee on Employment.

S. F. No. 1164, which the committee recommends to pass with the following amendment offered by Mr. Sieloff:

Page 1, line 16, after "*is*" insert "*one-third or more*"

The motion prevailed. So the amendment was adopted.

S. F. No. 657, which the committee recommends to pass with the following amendments offered by Messrs. Merriam and Luther:

Mr. Merriam moved to amend S. F. No. 657 as follows:

Page 2, line 18, after "*for*" insert "*civil*"

Page 7, line 9, after "*for*" insert "*civil*"

Page 13, line 26, after "*for*" insert "*civil*"

The motion prevailed. So the amendment was adopted.

Mr. Luther moved to amend S. F. No. 657 as follows:

Page 1, line 22, delete "*$1,200*" and insert "*$1,500*"

Page 2, line 24, delete "*$1,200*" and insert "*$1,500*"

Page 9, line 24, delete "*$1,200*" and insert "*$1,500*"

The motion prevailed. So the amendment was adopted.

S. F. No. 694, which the committee recommends to pass with the following amendment offered by Mr. Knutson:

Page 6, line 27, after the period, insert "*No person shall occupy a manufactured home which is not secured by an anchoring system which complies with the commissioner's rules.*"

The motion prevailed. So the amendment was adopted.

H. F. No. 90, which the committee recommends to pass, subject to the following motion:

Mr. Penny moved that the amendment made to H. F. No. 90 by the Committee on Rules and Administration in the report adopted April 14, 1981, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H. F. No. 272, which the committee recommends to pass, subject to the following motion:

Mr. Penny moved that the amendment made to H. F. No. 272 by the Committee on Rules and Administration in the report adopted April 14, 1981, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H. F. No. 569, which the committee recommends to pass, subject to the following motion:

Ms. Berglin moved that the amendment made to H. F. No. 569 by the Committee on Rules and Administration in the report adopted April 20, 1981,

pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 13, which the committee recommends to pass, subject to the following motion:

Mr. Petty moved that the amendments made to H. F. No. 13 by the Committee on Judiciary adopted by the Senate March 23, 1981, be stricken. The motion prevailed. So the amendments were stricken.

H. F. No. 347, which the committee recommends to pass with the following amendment offered by Mr. Waldorf:

Page 1, after line 24, insert:

"Sec. 2. [APPLICABILITY OF SECTION 462A.18.]

In the application of the provisions of Minnesota Statutes 1980, Section 462A.18, Subdivision 2, to the housing programs financed by the issuance of bonds authorized by section 1 of this act, the duties of the state treasurer shall be performed by the comptroller-treasurer of the city of Minneapolis and the director of the Department of Finance and Management Services of the city of St. Paul."

Remember the sections in sequence

Amend the title as follows:

Page 1, line 5, before the period, insert "*; Clarifying the application of Minnesota Statutes 1980, Section 462A.18, Subdivision 2*"

The motion prevailed. So the amendment was adopted.

On motion of Mr. Berg, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Menning, Bertram, Bernhagen, Chmielewski and Renneke introduced—

S.F. No. 1371: A bill for an act relating to public health; creating a physician's duty to make certain information available to women before performing the legalized killing of an unborn person; providing a criminal penalty; proposing new law coded in Minnesota Statutes, Chapter 145.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Peterson, C.C.; Lessard; Olhoft; Penny and Bertram introduced—

S.F. No. 1372: A bill for an act relating to taxation; altering temporarily the unemployment compensation contribution computation for employers.

Referred to the Committee on Employment.

Messrs. Purfeerst; Peterson, C.C.; Berg and Wegener introduced—

S.F. No. 1373: A bill for an act relating to agriculture; regulating commerce in produce; providing penalties; amending Minnesota Statutes 1980, Sections

27.001; 27.01; 27.03; 27.04; 27.041; 27.06; 27.13; 27.14; 27.15; 27.19; 27.20; proposing new law coded in Minnesota Statutes, Chapter 27.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Dahl, Wegener, Chmielewski and Rued introduced—

S.F. No. 1374: A bill for an act relating to crimes; specifying the crime of theft of utility services; prescribing penalties; proposing new law coded in Minnesota Statutes, Chapter 609.

Referred to the Committee on Judiciary.

Mr. Johnson introduced—

S.F. No. 1375: A bill for an act relating to public use of private land; clarifying and altering landowners' liability in the recreational use of their land; amending Minnesota Statutes 1980, Sections 87.021, Subdivisions 2 and 3; 87.0221; 87.023; 87.025; and 87.03; repealing Minnesota Statutes 1980, Section 87.022.

Referred to the Committee on Judiciary.

Mrs. Brataas, Messrs. Merriam, Benson, Ms. Berglin and Mr. Frederick introduced—

S.F. No. 1376: A bill for an act relating to taxation; income; providing that certain medical payments shall not be included in income in determining whether an individual is a dependent for purposes of the low income alternative tax or the personal credits; amending Minnesota Statutes 1980, Section 290.06, Subdivisions 3d, and 3f.

Referred to the Committee on Taxes and Tax Laws.

Mmes. Brataas, Lantry, Messrs. Stern, Ulland and Solon introduced—

S.F. No. 1377: A bill for an act relating to health; encouraging philanthropic support of hospitals; providing that funds derived from specified types of gifts or grants shall not be deducted from the operating costs of a hospital; proposing new law coded in Minnesota Statutes, Chapter 144.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Ashbach and Frederick introduced—

S.F. No. 1378: A bill for an act relating to taxation; crime; providing that losses of resident individuals occurring outside the state shall not be reduced by certain tax preference items; amending Minnesota Statutes 1980, Section 290.17, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Tuesday, April 28, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

FORTY-SECOND DAY

St. Paul, Minnesota, Tuesday, April 28, 1981

The Senate met at 9:00 a.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Winfield V. Johnson.

The roll was called, and the following Senators answered to their names:

Ashbach	Dieterich	Langseth	Peterson, D.L.	Stern
Bang	Engler	Lantry	Peterson, R.W.	Stokowski
Belanger	Frank	Lessard	Petty	Stumpf
Benson	Frederick	Lindgren	Pillsbury	Taylor
Berg	Frederickson	Luther	Purfeerst	Tennessen
Berglin	Hanson	Menning	Ramstad	Ulland
Bernhagen	Hughes	Merriam	Renneke	Vega
Bertram	Humphrey	Moe, D.M.	Rued	Waldorf
Brataas	Johnson	Moe, R.D.	Schmitz	Wegener
Chmielewski	Keefe	Nelson	Setzepfandt	Willet
Dahl	Knoll	Olhoft	Sieloff	
Davies	Knutson	Pehler	Sikorski	
Davis	Kroening	Penny	Solon	
Dicklich	Kronebusch	Peterson, C.C.	Spear	

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

Mr. Sieloff was excused from the Session of today from 9:00 a.m to 12:00 noon. Mrs. Lantry was excused from the Session of today from 4:15 to 7:30 p.m.

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. 200, 353, 372 and 741.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 27, 1981

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 concur-

rence of the Senate is respectfully requested:

S. F. No. 225: A bill for an act relating to labor; regulating certain charges to persons earning the minimum wage; amending Minnesota Statutes 1980, Section 177.24, by adding subdivisions.

Senate File No. 225 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 27, 1981

Mr. Moe, R.D. moved that S. F. No. 225 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the adoption by the House of the following Senate Concurrent Resolution, herewith returned:

Senate Concurrent Resolution No. 6: A Senate concurrent resolution commemorating the victims of the Holocaust, honoring the survivors, and proclaiming the week of April 26 to May 3 as Minnesota Days of Holocaust Remembrance.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 27, 1981

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 582, 1344 and 1443.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 27, 1981

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H. F. No. 582: A bill for an act relating to natural resources; regulating the use of state funded trails; providing a penalty; amending Minnesota Statutes 1980, Section 84.90, Subdivision 4; proposing new law coded in Minnesota Statutes, Chapter 85.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 285, now on General Orders.

H. F. No. 1344: A bill for an act relating to education; authorizing school boards to permit certain persons to enroll in classes and programs at a secondary school; providing for class fees in certain circumstances; prohibiting districts from counting certain persons enrolled in classes and programs for the purposes of state aid; authorizing districts to provide transportation; increasing the administration fee when senior citizens attend classes at higher education institutions; amending Minnesota Statutes 1980, Sections 123.35, by adding subdivisions; 123.39, by adding a subdivision; and 136A.81, Subdivision 1.

Referred to the Committee on Rules and Administration for comparison with

S. F. No. 861, now on General Orders.

H. F. No. 1443: A bill for an act relating to the organization and operation of state government; appropriating money for the general legislative, judicial, and administrative expenses of state government with certain conditions; providing for the transfer of certain moneys in the state treasury; authorizing land acquisition in certain cases; fixing and limiting the amount of fees to be collected in certain cases; amending Minnesota Statutes 1980, Sections 3.005, Subdivision 3; 3.304, by adding a subdivision; 4.16, by adding subdivisions; 5.08, Subdivision 2; 9.061, Subdivision 5; 11A.20, Subdivision 3; 16A.123; 17.59, by adding a subdivision; 17A.04, Subdivision 5; 17B.15, Subdivision 1; 18.51, Subdivision 2; 18.52, Subdivision 5; 18.54, Subdivision 1; 19.19, Subdivisions 1 and 2; 19.20, Subdivision 4; 27.041, Subdivision 2; 28A.08; 32.075; 32.59; 43.46, Subdivisions 2 and 3; 85.05, Subdivisions 1 and 2; 85.22, Subdivision 2a; 97.49, Subdivision 1; 98.46, Subdivisions 2, 2a, 3, 4, 5, 5a, 6, 7, 8, 9, 9a, 10, 11, 12, 14, 15, 16, 17, 18, 19 and by adding a subdivision; 98.47, Subdivision 1; 98.50, Subdivision 5; 99.28, Subdivision 5; 100.273, Subdivision 7; 100.35, Subdivisions 1 and 5; 101.44; 116C.69, Subdivisions 2 and 2a; 139.16; 139.17; 139.18; 139.19; 176.131, Subdivision 10; 176.183, Subdivision 2; 179.71, Subdivision 2; 179.72, Subdivision 3; 223.03; 223.12, Subdivision 1; 231.16; 232.02, Subdivisions 1, 2, and 3; 233.08; 270.66; 271.02; 284.28, Subdivision 8; 290.431; 299A.03, Subdivisions 1, 8 and 13; 322A.16; 322A.71; 352E.04; 354.43, Subdivision 3; 362.10; 362.12, Subdivisions 1a and 2; 362.121; 362.125; 362.13; 480.0595; 546.27; 638.08; and 648.39; Laws 1976, Chapter 337, Section 1, Subdivisions 2, as amended, 3, and 4, as amended; Laws 1978, Chapter 510, Sections 2 and 5; proposing new law coded in Minnesota Statutes, Chapters 85; 116H; 270; 299A; and 362; repealing Minnesota Statutes 1980, Sections 7.07; 16A.75; 16A.751; 16A.752; 16A.753; 16A.754; 168B.11; 299A.03, Subdivisions 1, 2, 3, 5, 6, 7, 9, 10, 11 and 14; 362.07; 362.08; 362.09; 362.11; 362.12, Subdivisions 3 and 4; 362.23; 362.45, Subdivision 2; 363.073, Subdivisions 1 and 2; 473.56, Subdivision 15; 648.45; 648.46; Laws 1976, Chapter 337, Section 4, as amended; and Laws 1978, Chapter 510, Section 10.

Referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on H. F. Nos. 312 and 353 and reports pertaining to appointments. The motion prevailed.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 415: A bill for an act relating to waters; requiring posting and publication of notice of aeration operations by a municipality or political subdivision; establishing a presumption of due care; proposing new law coded in Minnesota Statutes, Chapter 378.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [378.22] [WATER AERATION SAFETY.]

Subdivision 1. [WARNING SIGNS.] *Any permittee operating an aeration system on public waters within the state shall comply with the sign posting requirements of this section and applicable rules and orders of the commissioner of natural resources.*

Subd. 2. [POSTING REQUIREMENTS.] *Where an aeration system is used on the ice of public waters, signs shall be posted by the permittee at a height of from four to six feet in a rectangular pattern at each corner of the open water, with at least two additional signs between the corner signs on any side exceeding 100 feet in length. Additional signs shall be posted by the permittee on the shoreline of the public waters at each public access point. The signs shall comply with the applicable order of the commissioner of natural resources.*

Subd. 3. [PUBLICATION OF NOTICE.] *Advance public notice of the commencement of any aeration system, authorized by a permit from the commissioner of natural resources during periods of ice cover on public waters, shall be given by the permittee. Minimum notice shall consist of publication of the location and date of commencement of the system in a newspaper of general circulation in the area where the system is proposed to be operated at least two times between five and 20 days prior to commencement.*

Subd. 4. [EVIDENCE.] *In any action for negligence arising out of the conduct of aeration operations authorized by a permit from the commissioner of natural resources during periods of ice cover on public waters, evidence of compliance with the posting and publication requirements of this section and applicable rules, orders and permit provisions of the commissioner of natural resources shall be prima facie evidence of the exercise of due care by the permittee.*"

Amend the title as follows:

Page 1, line 3, delete "municipality or"

Page 1, line 4, delete "political subdivision" and insert "permittee of the commissioner of natural resources"

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. 177: A bill for an act relating to foods; directing the establishment of labeling and grading requirements for domestically grown wild rice by the commissioner of agriculture; providing a penalty; proposing new law coded in Minnesota Statutes, Chapter 30.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [30.49] [PADDY GROWN WILD RICE.]

All wild rice which is planted or cultivated and which is offered for wholesale or retail sale in this state shall be plainly and conspicuously labeled as "paddy grown" in letters of a size and form prescribed by the commissioner. Any person who sells wild rice at wholesale or retail which is not labeled as

required by this section is guilty of a misdemeanor.

Sec. 2. [EFFECTIVE DATE.]

This act is effective January 1, 1982."

Amend the title as follows:

Page 1, line 3, delete "and grading"

Page 1, line 3, delete "domestically"

Page 1, line 4, delete "grown"

Page 1, line 4, delete everything after "rice" and insert "which is planted or cultivated;"

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. 312: A bill for an act relating to agriculture; requiring the commissioner of agriculture to examine fluid milk and milk product marketing and packaging; repealing the prohibition on the sale of milk in non-returnable plastic containers; proposing new law coded in Minnesota Statutes, Chapter 32; repealing Minnesota Statutes 1980, Sections 116F.21 and 116F.22.

Reports the same back with the recommendation that the bill do pass. Mr. Luther questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 980: A bill for an act relating to state lands; providing for the transfer of certain lands to the city of Hastings.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [HASTINGS; LEASE OF STATE LAND.]

Notwithstanding the provisions of Minnesota Statutes, Section 16.02, Subdivision 14, the commissioner of administration shall lease to the city of Hastings for a term not to exceed 25 years that part of the S 1/2 of the NE 1/4 and the N 1/2 of the SE 1/4 of Section 34, Township 115, Range 17 that is required by the city for public and recreational purposes and owned by the state of Minnesota. The actual area leased shall be agreed upon by the city and the commissioner and may not exceed 48 acres. The attorney general shall provide appropriate documents for the lease with an accurate legal description of the subject property. The lease shall require the city to maintain the property in a manner that accommodates the needs of adjoining or nearby state property.

Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Amend the title as follows:

Page 1, line 2, delete "transfer" and insert "lease"

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. 562: A bill for an act relating to agriculture; regulating fertilizers and soil and plant amendments; providing a penalty; amending Minnesota Statutes 1980, Sections 17.711; 17.713; 17.714; 17.716, by adding subdivisions; 17.717, Subdivisions 4, 5 and by adding a subdivision; 17.718, Subdivision 1; 17.719; 17.72; 17.721; 17.722; 17.723; 17.725; 17.726; 17.727; 17.728, Subdivision 1; 17.729; repealing Minnesota Statutes 1980, Section 17.717, Subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, line 25, delete "*sewage sludge and sewage effluents,*"

Page 6, line 10, delete "AND SEWAGE EFFLUENTS"

Page 6, line 13, delete everything after "*plant*"

Page 6, line 14, delete "*disposal facility*"

Page 6, line 16, after the period, insert "*Sewage sludge is not a commercial fertilizer, fertilizer material, manipulated manure, plant amendment or soil amendment unless the sewage sludge meets the criteria for one of those categories and is offered for retail sale in packages.*"

Page 8, line 25, delete "*of proof*" and insert "*to substantiate claims*"

Page 8, line 28, delete "*proof*" and insert "*evidence*"

Page 8, line 29, delete "*proof*" and insert "*evidence*"

Page 8, line 31, delete "*proof*" and insert "*evidence*"

Page 8, line 35, delete "*is not sufficient proof of*" and insert "*does not substantiate*"

Page 8, line 36, delete "*she or he*" and insert "*the commissioner*"

Page 9, line 8, delete "*she or he*" and insert "*the commissioner*"

Page 9, line 12, delete "*she or he*" and insert "*the commissioner*"

Page 13, line 19, after "*act*" insert "*(Public Law 92-516)*"

Page 13, line 20, before "is" insert "Subdivision 1,"

Page 13, delete line 22

Page 14, delete lines 2 to 4

Amend the title as follows:

Page 1, line 7, after "17.721" insert ", Subdivision 1"

And when so amended the bill do pass. Amendments adopted. Report

adopted.

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

H. F. No. 410: A bill for an act relating to public welfare; authorizing the commissioner of public welfare to designate the county of financial responsibility for patients transferred under the Interstate Compact on Mental Health who are not residents of Minnesota; amending Minnesota Statutes 1980, Section 245.52.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 1317: A bill for an act relating to health; changing the claim limitations on cost of removing nuisances; authorizing the commissioner of health to issue orders concerning well water quality; clarifying the commissioner's authority over water wells and exploratory boring to include repairs and abandonment; changing the penalties for violations; amending Minnesota Statutes 1980, Sections 145.22; 156A.02, Subdivisions 1, 2, and 3; 156A.03, Subdivisions 1 and 2; 156A.05; 156A.07, Subdivisions 1 and 4; and 156A.08.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

H. F. No. 1070: A bill for an act relating to health; exempting students in schools of dental assisting from the requirement of a dental license; amending Minnesota Statutes 1980, Section 150A.05, Subdivision 2.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 1076: A bill for an act relating to natural resources; raising limitations on values of state timber which may be sold at public auction or informal sale; providing for special auction sales and changing certain other provisions relating to the sale and removal of state timber; amending Minnesota Statutes 1980, Sections 90.031, Subdivision 4; 90.101, Subdivision 1; 90.151, Subdivisions 11 and 13; 90.173; 90.181, Subdivision 2; 90.191, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 90.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 20, after "*$18,000*" insert "*in appraised value*"

Page 1, line 21, before "rules" insert "*the*"

Page 1, after line 22, insert:

"Sec. 2. Minnesota Statutes 1980, Section 90.041, is amended by adding a subdivision to read:

Subd. 4. In May of each year the commissioner shall hold a public meeting in each forest area to inform the public of the manner in which the cutting list for that area for the next fiscal year is proposed to be allocated between informal, intermediate and regular auction sales. The public shall be afforded an opportunity to provide written and oral comments concerning the proposed allocation."

Page 2, line 8, delete "SPECIAL" and insert "INTERMEDIATE"

Page 2, line 9, delete "$7,500" and insert "$6,000"

Pages 2 and 3, paragraph the clauses of section 3 and capitalize the first word of each clause

Page 2, line 15, delete "*district*"

Page 2, line 15, delete "*nearest the county in which*" and insert "*or other public facility accessible to potential bidders or close to where*"

Page 2, line 17, delete "*may*" and insert "*shall*"

Page 2, line 18, delete "*15*" and insert "*30*"

Page 2, line 19, delete "*15*" and insert "*30*"

Page 2, line 20, delete "*may*" and insert "*shall*"

Page 2, line 22, after the comma, delete "*a*"

Page 2, line 23, delete "*successful*" and insert "*no*"

Page 2, line 23, delete "*at least one tract but not*"

Page 2, line 25, after the first "*sale*" insert "*unless fewer than four tracts are offered, in which case not more than one tract shall be awarded to one bidder*"

Page 2, line 25, delete "*successful*"

Page 2, line 27, after "*bidding;*" insert "*any tract not sold shall be available for a period of 90 days for purchase by persons eligible under this section at the appraised value;*"

Page 2, delete lines 28 and 29

Page 2, line 30, delete everything before "*before*" and insert "*(5) the bond or deposit required pursuant to section 90.161 or 90.173 shall be given or deposited*"

Page 2, line 34, delete "*must*" and insert "*shall*"

Page 3, line 2, delete "*or to a person*"

Page 3, line 3, delete "*having more than 25 employees*"

Page 3, line 4, after the semicolon, insert "*(9) no sale may be made to a person having more than 25 employees;*"

Page 3, line 4, delete "*(9)*" and insert "*(10)*"

Page 3, line 8, after "*permit*" insert "*without interest, and one additional extension of one year with interest*"

Page 3, line 8, delete "*(10)*" and insert "*(11)*"

Page 3, line 23, delete "2" and insert "*4*"

Page 3, line 24, delete "2" and insert "*4*"

Page 4, line 4, delete "*not less than*"

Page 4, after line 9, insert:

"Sec. 7. Minnesota Statutes 1980, Section 90.161, Subdivision 1, is amended to read:

Subdivision 1. Except as otherwise provided by law the purchaser of any state timber, before any timber permit to him shall become effective for any purpose, shall within 90 days from the date of purchase give a good and valid bond to the state of Minnesota equal to the value of all timber covered or to be covered by the permit, as shown by the sale price bid therefor and the appraisal report thereof as to quantity, *less the amount of any payment pursuant to section 90.14*, which bond shall be conditioned upon the faithful performance by the purchaser and his successors in interest of all the terms and conditions of the permit and all requirements of law in respect to such sales; and the bond shall be approved in writing by the commissioner and filed for record in his office."

Page 4, line 20, after the comma, insert "*or an irrevocable bank letter of credit,*"

Page 4, line 32, before the period, insert "*and shall bear interest at the rate determined pursuant to section 549.09 if not returned within 30 days from the date of the default*"

Page 4, after line 35, insert:

"*When cash is deposited for a bond, it shall be applied to the amount due when a statement is prepared and transmitted to the permit holder pursuant to section 90.181. Any balance due to the state shall be shown on the statement and shall be paid as provided in section 90.181. Any amount of the deposit in excess of the amount determined to be due pursuant to section 90.181 shall be returned to the permit holder when a final statement is transmitted pursuant to that section. All or part of a cash bond may be withheld from application to an amount due on a nonfinal statement if it appears that the total amount due on the permit will exceed the bid price.*"

Page 5, line 4, strike "of" and delete "*not less than eight*"

Page 5, line 5, strike "percent per annum from date" and insert "*determined pursuant to section 549.09*"

Page 5, line 33, strike "individual" and insert "*person*"

Page 6, line 4, delete "*persons*" and insert "*partners*"

Page 6, line 5, delete "*with that partnership*"

Page 6, line 6, after the comma, insert "*of which*" and delete "*whose*" and insert "*the*"

Page 6, line 7, delete "*or spouses or estates of persons*"

Page 6, line 9, after "*law*" insert "*or their spouses or estates*"

Page 6, delete lines 14 and 15 and insert:

"Sec. 11. Minnesota Statutes 1980, Section 282.04, Subdivision 1, is amended to read:

Subdivision 1. [TIMBER SOLD FOR CASH.] The county auditor may sell ~~dead, down and mature~~ timber upon any tract that may be approved by the natural resources commissioner. Such sale of timber products shall be made for cash at not less than the appraised value determined by the county board to the highest bidder after not less than one week's published notice in an official paper within the county. Any timber offered at such public sale and not sold may thereafter be sold at private sale by the county auditor at not less than the appraised value thereof, until such time as the county board may withdraw such timber from sale. The appraised value of the timber and the forestry practices to be followed in the cutting of said timber shall be approved by the commissioner of natural resources. Payment of the full sale price of all timber sold on tax-forfeited lands shall be made in cash at the time of the timber sale. The county board may require final settlement on the basis of a scale of cut products. Any parcels of land from which timber is to be sold by scale of cut products shall be so designated in the published notice of sale above mentioned, in which case the notice shall contain a description of such parcels, a statement of the estimated quantity of each species of timber thereon and the appraised price of each specie of timber for 1,000 feet, per cord or per piece, as the case may be. In such cases any bids offered over and above the appraised prices shall be by percentage, the percent bid to be added to the appraised price of each of the different species of timber advertised on the land. The purchaser of timber from such parcels shall pay in cash at the time of sale at the rate bid for all of the timber shown in the notice of sale as estimated to be standing on the land, and in addition shall pay at the same rate for any additional amounts which the final scale shows to have been cut or was available for cutting on the land at the time of sale under the terms of such sale. Where the final scale of cut products shows that less timber was cut or was available for cutting under terms of such sale than was originally paid for, the excess payment shall be refunded from the forfeited tax sale fund upon the claim of the purchaser, to be audited and allowed by the county board as in case of other claims against the county. No timber, except hardwood pulpwood, may be removed from such parcels of land or other designated landings until scaled by a person or persons designated by the county board and approved by the commissioner of natural resources. Landings other than the parcel of land from which timber is cut may be designated for scaling by the county board by written agreement with the purchaser of the timber. The county board may, by written agreement with the purchaser and with a consumer designated by him when the timber is sold by the county auditor, and with the approval of the commissioner of natural resources, accept the consumer's scale of cut products delivered at the consumer's landing. No timber shall be removed until fully paid for in cash. Small amounts of ~~green standing, dead, downdying, insect infected or diseased~~ timber not exceeding ~~$1,500~~ *$3,000* in appraised valuation may be sold for not less than the full appraised value at private sale to individual persons without first publishing notice of sale or calling for bids, provided that in case of such sale involving a total appraised value of more than $200 the sale shall be made subject to final settlement on the basis of a scale of cut products in the manner above provided and not more than two such sales, directly or indirectly to any individual shall be in effect at one time. As directed by the county board, the county auditor may lease tax-forfeited land to individuals, corporations or

organized subdivisions of the state at public or private vendue, and at such prices and under such terms as the county board may prescribe, for use as cottage and camp sites and for agricultural purposes and for the purpose of taking and removing of hay, stumpage, sand, gravel, clay, rock, marl, and black dirt therefrom, and for garden sites and other temporary uses provided that no leases shall be for a period to exceed ten years; provided, further that any leases involving a consideration of more than $300 per year, except to an organized subdivision of the state shall first be offered at public sale in the manner provided herein for sale of timber. Upon the sale of any such leased land, it shall remain subject to the lease for not to exceed one year from the beginning of the term of the lease. Any rent paid by the lessee for the portion of the term cut off by such cancellation shall be refunded from the forfeited tax sale fund upon the claim of the lessee, to be audited and allowed by the county board as in case of other claims against the county. The county auditor, with the approval of the county board is authorized to grant permits, licenses, and leases to tax-forfeited lands for the depositing of stripping, lean ores, tailings, or waste products from mines or ore milling plants, upon such conditions and for such consideration and for such period of time, not exceeding 15 years, as the county board may determine; said permits, licenses, or leases to be subject to approval by the commissioner of natural resources. Any person who removes any timber from tax-forfeited land before said timber has been scaled and fully paid for as provided in this subdivision is guilty of a misdemeanor. The county auditor may, with the approval of the county board and the commissioner of natural resources, and without first offering at public sale, grant leases, for a term not exceeding 25 years, for the removal of peat from tax-forfeited lands upon such terms and conditions as the county board may prescribe.

Provided, however, that no lease for the removal of peat shall be made by the county auditor pursuant to this section without first holding a public hearing on his intention to lease. One printed notice in a legal newspaper in the county at least ten days before the hearing, and posted notice in the courthouse at least 20 days before the hearing shall be given of the hearing.

Sec. 12. [EXTENSION OF CERTAIN PERMITS.]

The commissioner of natural resources may extend, for an additional period of not to exceed one year, any timber permit issued pursuant to Minnesota Statutes, Section 90.191, which expires during 1981. This extension shall be in addition to any extension previously granted pursuant to section 90.191, shall be made without additional charge, and shall otherwise be subject to the requirements of section 90.191.

Sec. 13. [EFFECTIVE DATE.]

Sections 2 and 12 are effective the day following final enactment. The remaining sections of this act are effective July 1, 1981."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "special" and insert "intermediate"

Page 1, line 6, after the semicolon, insert "permitting extension of certain timber permits;"

Page 1, line 8, after "4;" insert "90.041, by adding a subdivision;"

Page 1, line 9, after "13;" insert "90.161, Subdivision 1;"

Page 1, line 10, after "1;" insert "282.04, Subdivision 1;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Humphrey from the Committee on Energy and Housing, to which was referred

H. F. No. 519: A bill for an act relating to individual housing accounts; providing for the subtraction from federal adjusted gross income of certain contributions to and interest earned on individual housing accounts; repealing the deduction for individual housing account contributions and interest; clarifying various provisions relating to individual housing accounts; amending Minnesota Statutes 1980, Sections 48.159, Subdivision 2; 50.157, Subdivision 2; 51A.21, Subdivision 16a; 52.136; 290.01, Subdivision 20; 290.08, by adding a subdivision; and 290.17, Subdivision 2; repealing Minnesota Statutes 1980, Section 290.09, Subdivision 30.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

H. F. No. 353: A bill for an act relating to agriculture; protecting agricultural operations from nuisance suits under certain circumstances; proposing new law coded in Minnesota Statutes, Chapter 561.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete lines 10 to 21

Page 1, line 22, delete "*Subd. 2*" and insert "*Subdivision 1*"

Page 1, line 24, delete "*includes, without limitation,*" and insert "*means*"

Page 2, line 1, delete "*livestock*" and insert "*dairy*"

Page 2, line 1, after "*products*" and before the semicolon insert ", *but not a facility primarily engaged in processing agricultural products*"

Page 2, line 3, delete "*physical*"

Page 2, line 4, delete "*facilities of the*"

Page 2, line 4, delete "*are*" and insert "*is*"

Page 2, line 9, delete everything after "*operation*" and insert a period

Page 2, delete lines 10 and 11

Page 2, line 19, delete "*five*" and insert "*six*"

Page 2, line 22, delete "*when a nuisance*" and insert "*to a condition or injury which*"

Page 2, line 23, delete the second "*or*"

Page 2, line 25, delete "*public*" and insert "*the*"

Page 2, line 25, delete the period

Page 2, delete lines 26 to 29 and insert "*of any person; (c) to the pollution*"

Page 2, line 30, delete "*a*"

Page 2, line 31, delete "*on account of*"

Page 2, line 31, delete "*a*" and insert "*any*"

Page 2, line 31, delete the comma

Page 2, delete lines 32 and 33

Page 2, line 34, delete everything before "*to*" and insert "*; or (d)*"

Page 3, line 1, delete everything after "*contracts*"

Page 3, line 2, delete everything before "*the*" and insert " *or commitments made before*"

Page 3, after line 10, insert:

"*Subd. 5.* [APPLICATION; LOCAL APPROVAL.] *This section does not apply to a county in which a resolution of the county board disapproving the application of the section to that county is in effect.*"

Renumber the subdivisions in sequence

Page 3, line 12, delete "*becomes*" and insert "*is*"

Page 3, line 12, delete "*one year following final*"

Page 3, line 13, delete "*enactment*" and insert "*June 1, 1982,*"

Page 3, line 13, after "*affect*" insert "*legal*"

Page 3, line 14, delete "*day*" and insert "*date*"

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "limiting application of the law to counties which approve it;"

And when so amended the bill do pass. Mr. Luther questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 1243: A bill for an act relating to handicapped persons; providing that certain social services be available to recipients of attendant care; proposing new law coded in Minnesota Statutes, Chapter 256C.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 11, after "*services*" insert "*as needed*"

Page 1, line 11, after "*receiving*" insert "*care through the*"

Page 1, line 11, after "*care*" insert "*program*"

And when so amended the bill do pass. Amendments adopted. Report

adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which were referred the following appointments as reported in the Journal for March 23, 1981:

ENVIRONMENTAL EDUCATION BOARD

Roger O. Norman
Dr. Paul O. Walker
Julia W. Copeland

MINNESOTA POLLUTION CONTROL AGENCY

Cynthia C. Jepsen
Lois West

Reports the same back with the recommendation that the appointments be confirmed.

Mr. Moe, R. D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which were referred

H. F. Nos. 54, 588 and 889 for comparison with companion Senate Files, reports the following House Files were found not identical with their companion Senate Files 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.
54	392				
588	308				
889	1223				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 54 be amended as follows:

Page 2, line 8, after "*be*" insert "*sealed and*"

And when so amended H. F. No. 54 will be identical to S. F. No. 392, and further recommends that H. F. No. 54 be given its second reading and substituted for S. F. No. 392, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 588 be amended as follows:

Page 2, delete lines 2 to 7

And when so amended H. F. No. 588 will be identical to S. F.No. 308, and further recommends that H. F. No. 588 be given its second reading and substituted for S. F. No. 308, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 889 be amended as follows:

Page 2, line 2 to page 3, line 7, delete sections 2 and 3

Page 3, line 8, delete "4" and insert "2"

Amend the title as follows:

Page 1, lines 4 and 5, delete "providing for licensing of thermal exchange devices;"

Page 1, lines 6 and 7, delete "Sections 156A.02, by adding a subdivision; and" and insert "Section"

And when so amended H. F. No. 889 will be identical to S. F.No. 1223, and further recommends that H. F. No. 889 be given its second reading and substituted for S. F. No. 1223, 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 were referred

H. F. Nos. 659 and 1218 for comparison with companion Senate Files, reports the following House Files were found identical and recommends the House Files be given their second reading and substituted for their companion Senate Files 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.
659	779				
1218	1287				

and that the above Senate Files 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.

SECOND READING OF SENATE BILLS

S. F. Nos. 415, 177, 980, 1317, 1076 and 1243 were read the second time.

SECOND READING OF HOUSE BILLS

H. F. Nos. 562, 410, 1070, 54, 588, 889, 659 and 1218 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Chmielewski moved that the name of Mr. Peterson, C.C. be added as co-author to S. F. No. 581. The motion prevailed.

Mr. Pillsbury moved that his name be stricken as chief author, shown as co-author and Mr. Penny be added as chief author to S. F. No. 742. The motion prevailed.

Mr. Solon moved that the name of Mrs. Brataas be added as co-author to S. F. No. 1012. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Peterson, C.C. be added as

co-author to S. F. No. 1281. The motion prevailed.

Messrs. Bang, Belanger and Lindgren introduced—

Senate Resolution No. 56: A Senate resolution extending congratulations to Lee Sundet for being named "Small Business Person of the Year" for Minnesota.

Referred to the Committee on Rules and Administration.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

S. F. No. 145: Messrs. Frederick, Wegener and Olhoft.

H. F. No. 396: Messrs. Schmitz, Taylor and Chmielewski.

Mr. Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Dahl in the chair.

After some time spent therein, the committee arose, and Mr. Dahl reported that the committee had considered the following:

S. F. Nos. 1122, 445, 373 and H. F. Nos. 258, 168, 371, 1059 and 98, which the committee recommends to pass.

H. F. No. 413, which the committee recommends to pass with the following amendment offered by Mr. Merriam:

Amend H. F. No. 413, as amended pursuant to Rule 49, adopted by the Senate April 14, 1981, as follows:

(The text of the amended House File is identical to S.F. No. 516.)

Page 1, line 23, strike "such" and insert "*the*"

Page 1, line 26, after "*4.*" insert "[DISCLOSURE.]"

The motion prevailed. So the amendment was adopted.

H. F. No. 449, which the committee recommends to pass with the following amendment offered by Mr. Dicklich:

Amend H. F. No. 449, as amended pursuant to Rule 49, adopted by the Senate April 20, 1981, as follows:

(The text of the amended House File is identical to S.F. No. 793.)

Page 2, after line 14, insert:

"Sec. 2. [486.051] [SIXTH JUDICIAL DISTRICT; COURT REPORTER SALARIES.]

Notwithstanding Minnesota Statutes, Section 486.05, or any other law to the contrary, the majority of the judges of the sixth judicial district by an order filed with the county auditors on or before the second Monday in June of 1981 shall fix and establish the salary of the court reporters of that district. Thereafter a majority of the judges of the sixth judicial district shall annually fix and establish the salary of the court reporters of that district in accordance with the salary adjustments of other nonclassified employees of the district effective January 1 of each year. The judicial district administrator of the sixth judicial district shall apportion the salaries of the reporters in the district among the several counties and each county shall be required by the order to pay a specified amount thereof in monthly installments, which shall be such proportion of the whole salary as the population in each county bears to the total population in the district as set forth in the most recent federal census. If a judge is temporarily transferred to hold court in some county other than in his judicial district, then the county to which the reporter is transferred shall pay a proportionate share of the monthly salary for the work done by the reporter in that county. Each reporter shall have and maintain his residence in the district in which he is appointed. The reporter, in addition to his salary, shall be paid such sums as he shall accrue as necessary mileage, traveling, and hotel expenses while absent from the city in which he resides in the discharge of his official duties, the expenses to be paid by the county for which the expenses were incurred upon presentation of a verified itemized statement approved by the judge. The auditor of the county, upon presentation of such approved statement, shall issue his warrant in payment thereof."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "authorizing the judges of the sixth judicial district to set the salaries of court reporters;"

Page 1, line 4, before the period, insert "; proposing new law coded in Minnesota Statutes, Chapter 486"

The motion prevailed. So the amendment was adopted.

H. F. No. 579, which the committee reports progress, subject to the following motion:

Mr. Stern moved to amend H. F. No. 579 as follows:

Page 5, line 27, reinstate "and"

Page 5, line 27, delete the first comma

Page 5, line 27, delete ", *and any share of future*"

Page 5, line 28, delete "*appreciation of the mortgaged property*"

Page 5, line 29, reinstate "and"

Page 5, line 29, delete the first comma and strike the second comma

Page 5, delete line 30

Page 12, line 20, after "*loan*" insert ", *or loan made pursuant to the authority granted in subdivision 1, clause (3) or (4),*"

The motion prevailed. So the amendment was adopted.

H.F. No. 579 was then progressed.

On motion of Mr. Dahl, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

Pursuant to Rule 21, Mr. Nelson moved that the following members be excused for a Conference Committee on S. F. No. 209 at 10:00 a.m.:

Messrs. Nelson, Keefe and Peterson, C.C. The motion prevailed.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess until 1:00 p.m. The motion prevailed.

The hour of 1:00 p.m. having arrived, the President called the Senate to order.

SUSPENSION OF RULES

Without objection, the Senate reverted to the Order of Business of the Calendar, and the rules of the Senate were so far suspended as to waive the lie-over requirement.

CALENDAR

H. F. No. 272: A bill for an act relating to administrative rules; clarifying certain powers and duties of the legislative commission to review administrative rules; amending Minnesota Statutes 1980, Section 3.965, Subdivision 3, and by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Langseth	Penny	Spear
Bang	Engler	Lantry	Peterson,C.C.	Stokowski
Belanger	Frank	Lessard	Peterson,R.W.	Stumpf
Benson	Frederickson	Lindgren	Petty	Taylor
Berglin	Hanson	Luther	Pillsbury	Tennessen
Bernhagen	Humphrey	Menning	Purfeerst	Vega
Bertram	Johnson	Merriam	Ramstad	Waldorf
Brataas	Keefe	Moe, D. M.	Rued	Wegener
Chmielewski	Knoll	Moe, R. D.	Schmitz	Willet
Dahl	Knutson	Nelson	Setzepfandt	
Davies	Kroening	Olhoft	Sikorski	
Davis	Kronebusch	Pehler	Solon	

So the bill passed and its title was agreed to.

H. F. No. 90: A bill for an act relating to administrative rules; clarifying

which rules have the force of law; amending Minnesota Statutes 1980, Section 15.0413, Subdivision 1, and by adding subdivisions.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Davis	Kronebusch	Penny	Spear
Bang	Dicklich	Langseth	Peterson,C.C.	Stern
Belanger	Engler	Lantry	Peterson,R.W.	Stokowski
Benson	Frank	Lessard	Petty	Stumpf
Berg	Frederick	Lindgren	Pillsbury	Taylor
Berglin	Frederickson	Luther	Purfeerst	Tennessen
Bernhagen	Hanson	Merriam	Ramstad	Vega
Bertram	Humphrey	Moe, D. M.	Rued	Waldorf
Brataas	Johnson	Moe, R. D.	Schmitz	Wegener
Chmielewski	Knoll	Nelson	Setzepfandt	Willet
Dahl	Knutson	Olhoft	Sikorski	
Davies	Kroening	Pehler	Solon	

So the bill passed and its title was agreed to.

H. F. No. 29: A bill for an act relating to hospitals; requiring adoption of federal medicare standards for hospital licensing; regulating hospital inspections; providing for licensing of hospitals accredited by the joint commission on hospital accreditation; amending Minnesota Statutes 1980, Sections 144.50, Subdivision 1; and 144.55.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 2, as follows:

Those who voted in the affirmative were:

Ashbach	Davis	Kronebusch	Penny	Stern
Bang	Dicklich	Langseth	Peterson,C.C.	Stokowski
Belanger	Engler	Lantry	Peterson,R.W.	Stumpf
Benson	Frank	Lessard	Petty	Taylor
Berg	Frederick	Luther	Pillsbury	Tennessen
Berglin	Frederickson	Menning	Purfeerst	Vega
Bernhagen	Hanson	Merriam	Ramstad	Waldorf
Bertram	Humphrey	Moe, D. M.	Schmitz	Wegener
Brataas	Johnson	Moe, R. D.	Setzepfandt	Willet
Chmielewski	Knoll	Nelson	Sikorski	
Dahl	Knutson	Olhoft	Solon	
Davies	Kroening	Pehler	Spear	

Messrs. Lindgren and Rued voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 157: A bill for an act relating to public welfare; providing that every birth to a minor shall be reported within three working days to the commissioner of public welfare; amending Minnesota Statutes 1980, Section 257.33.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 2, as follows:

Those who voted in the affirmative were:

Ashbach	Davis	Kronebusch	Penny	Stern
Bang	Dicklich	Langseth	Peterson,C.C.	Stokowski
Belanger	Engler	Lantry	Peterson,R.W.	Stumpf
Benson	Frank	Lessard	Petty	Taylor
Berg	Frederick	Luther	Pillsbury	Tennessen
Berglin	Frederickson	Menning	Purfeerst	Vega
Bernhagen	Hanson	Merriam	Ramstad	Waldorf
Bertram	Humphrey	Moe, D. M.	Schmitz	Wegener
Brataas	Johnson	Moe, R. D.	Setzepfandt	Willet
Chmielewski	Keefe	Nelson	Sikorski	
Dahl	Knutson	Olhoft	Solon	
Davies	Kroening	Pehler	Spear	

Messrs. Lindgren and Rued voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 569: A bill for an act relating to housing; providing new standards and procedures for disclosing conflicts of interest for commissioners and employees of housing and redevelopment authorities; establishing penalties; proposing new law coded in Minnesota Statutes, Chapter 462; repealing Minnesota Statutes 1980, Section 462.431.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Lantry	Peterson,D.L.	Stern
Bang	Engler	Lessard	Peterson,R.W.	Stokowski
Belanger	Frank	Lindgren	Petty	Stumpf
Benson	Frederick	Luther	Pillsbury	Taylor
Berg	Frederickson	Menning	Purfeerst	Tennessen
Berglin	Hanson	Merriam	Ramstad	Ulland
Bernhagen	Humphrey	Moe, D. M.	Renneke	Vega
Bertram	Johnson	Moe, R. D.	Rued	Waldorf
Brataas	Knoll	Nelson	Schmitz	Wegener
Chmielewski	Knutson	Olhoft	Setzepfandt	Willet
Dahl	Kroening	Pehler	Sikorski	
Davies	Kronebusch	Penny	Solon	
Davis	Langseth	Peterson,C.C.	Spear	

So the bill passed and its title was agreed to.

H. F. No. 876: A bill for an act relating to employment; authorizing the commissioner of economic security to make certain summer youth employment advances; amending Minnesota Statutes 1980, Section 268.34.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Bernhagen	Davies	Frederick	Knutson
Belanger	Bertram	Davis	Frederickson	Kroening
Benson	Brataas	Dicklich	Hanson	Kronebusch
Berg	Chmielewski	Engler	Humphrey	Langseth
Berglin	Dahl	Frank	Johnson	Lantry

Lessard	Nelson	Petty	Setzepfandt	Taylor
Lindgren	Olhoft	Pillsbury	Sikorski	Tennessen
Luther	Pehler	Purfeerst	Solon	Ulland
Menning	Penny	Ramstad	Spear	Vega
Merriam	Peterson,C.C.	Renneke	Stern	Waldorf
Moe, D. M.	Peterson,D.L.	Rued	Stokowski	Wegener
Moe, R. D.	Peterson,R.W.	Schmitz	Stumpf	Willet

So the bill passed and its title was agreed to.

H. F. No. 13: A bill for an act relating to criminal procedure; providing officers of the United States customs service and the immigration and naturalization service with the arrest powers of peace officers; amending Minnesota Statutes 1980, Sections 629.30; and 629.34.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Langseth	Peterson,C.C.	Spear
Bang	Engler	Lantry	Peterson,D.L.	Stern
Belanger	Frank	Lessard	Peterson,R.W.	Stokowski
Benson	Frederick	Lindgren	Petty	Stumpf
Berg	Frederickson	Luther	Pillsbury	Taylor
Berglin	Hanson	Menning	Purfeerst	Tennessen
Bernhagen	Humphrey	Merriam	Ramstad	Ulland
Bertram	Johnson	Moe, D. M.	Renneke	Vega
Brataas	Keefe	Moe, R. D.	Rued	Waldorf
Chmielewski	Knoll	Nelson	Schmitz	Wegener
Dahl	Knutson	Olhoft	Setzepfandt	Willet
Davies	Kroening	Pehler	Sikorski	
Davis	Kronebusch	Penny	Solon	

So the bill passed and its title was agreed to.

H. F. No. 480: A bill for an act relating to agriculture; changing the name of the joint legislative committee on agricultural land preservation; amending Laws 1979, Chapter 315, Sections 2 and 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 1, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Langseth	Penny	Sikorski
Bang	Frank	Lantry	Peterson,C.C.	Solon
Belanger	Frederick	Lessard	Peterson,D.L.	Spear
Benson	Frederickson	Lindgren	Peterson,R.W.	Stern
Berg	Hanson	Luther	Petty	Stokowski
Berglin	Humphrey	Menning	Pillsbury	Stumpf
Bernhagen	Johnson	Merriam	Purfeerst	Taylor
Bertram	Keefe	Moe, D. M.	Ramstad	Ulland
Chmielewski	Knoll	Moe, R. D.	Renneke	Vega
Dahl	Knutson	Nelson	Rued	Waldorf
Davis	Kroening	Olhoft	Schmitz	Wegener
Dicklich	Kronebusch	Pehler	Setzepfandt	Willet

Mr. Davies voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 525: A bill for an act relating to agriculture; limiting the applicability and changing the size of county extension committees; amending Minnesota Statutes 1980, Section 38.36.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Davis	Langseth	Penny	Solon
Bang	Dicklich	Lantry	Peterson,C.C.	Spear
Belanger	Engler	Lessard	Peterson,R.W.	Stern
Benson	Frank	Lindgren	Petty	Stokowski
Berg	Frederick	Luther	Pillsbury	Stumpf
Berglin	Frederickson	Menning	Purfeerst	Taylor
Bernhagen	Humphrey	Merriam	Ramstad	Tennessen
Bertram	Johnson	Moe, D. M.	Renneke	Ulland
Brataas	Keefe	Moe, R. D.	Rued	Vega
Chmielewski	Knutson	Nelson	Schmitz	Waldorf
Dahl	Kroening	Olhoft	Setzepfandt	Wegener
Davies	Kronebusch	Pehler	Sikorski	Willet

So the bill passed and its title was agreed to.

S. F. No. 536: A bill for an act relating to local government; providing for the board membership and powers of the Moose Lake and Windemere area sanitary sewer district; amending Laws 1974, Chapter 400, Section 3, Subdivision 12, as amended; and Section 4, Subdivision 2, as amended; repealing Laws 1974, Chapter 400, Section 8, Subdivision 5, as amended.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Langseth	Peterson,C.C.	Spear
Bang	Engler	Lantry	Peterson,D.L.	Stern
Belanger	Frank	Lessard	Peterson,R.W.	Stokowski
Benson	Frederick	Lindgren	Petty	Stumpf
Berg	Frederickson	Luther	Pillsbury	Taylor
Berglin	Hanson	Menning	Purfeerst	Tennessen
Bernhagen	Humphrey	Merriam	Ramstad	Ulland
Bertram	Johnson	Moe, D. M.	Renneke	Vega
Brataas	Keefe	Moe, R. D.	Rued	Waldorf
Chmielewski	Knoll	Nelson	Schmitz	Wegener
Dahl	Knutson	Olhoft	Setzepfandt	Willet
Davies	Kroening	Pehler	Sikorski	
Davis	Kronebusch	Penny	Solon	

So the bill passed and its title was agreed to.

H. F. No. 415: A bill for an act relating to financial institutions; authorizing federal funds transactions for credit unions; removing the limitation on insurance commission income and prohibiting participation of officials in such income; permitting the sale of real estate loans; amending Minnesota Statutes 1980, Section 52.04, Subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Langseth	Peterson,C.C.	Spear
Bang	Engler	Lantry	Peterson,D.L.	Stern
Belanger	Frank	Lessard	Peterson,R.W.	Stokowski
Benson	Frederick	Lindgren	Petty	Stumpf
Berg	Frederickson	Luther	Pillsbury	Taylor
Berglin	Hanson	Menning	Purfeerst	Tennessen
Bernhagen	Humphrey	Merriam	Ramstad	Ulland
Bertram	Johnson	Moe, D. M.	Renneke	Vega
Brataas	Keefe	Moe, R. D.	Rued	Waldorf
Chmielewski	Knoll	Nelson	Schmitz	Wegener
Dahl	Knutson	Olhoft	Setzepfandt	Willet
Davies	Kroening	Pehler	Sikorski	
Davis	Kronebusch	Penny	Solon	

So the bill passed and its title was agreed to.

H. F. No. 150: A bill for an act relating to parks; removing authority to lease certain lands within Tettegouche state park; repealing Laws 1979, Chapter 301, Section 10, Subdivision 7.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 7, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Langseth	Peterson,D.L.	Stumpf
Bang	Engler	Lantry	Peterson,R.W.	Taylor
Belanger	Frank	Lessard	Petty	Tennessen
Benson	Frederick	Lindgren	Purfeerst	Ulland
Berg	Frederickson	Luther	Ramstad	Vega
Berglin	Hanson	Moe, D. M.	Rued	Waldorf
Bernhagen	Humphrey	Moe, R. D.	Setzepfandt	Wegener
Bertram	Johnson	Nelson	Sikorski	Willet
Brataas	Knoll	Olhoft	Solon	
Chmielewski	Knutson	Pehler	Spear	
Dahl	Kroening	Penny	Stern	
Davis	Kronebusch	Peterson,C.C.	Stokowski	

Those who voted in the negative were:

Davies	Menning	Pillsbury	Renneke	Schmitz
Keefe	Merriam			

So the bill passed and its title was agreed to.

H. F. No. 731: A bill for an act relating to family; providing for solemnization of marriages by certain court officers; amending Minnesota Statutes 1980, Section 517.04.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 53 and nays 10, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kroening	Peterson,R.W.	Stern
Bang	Engler	Langseth	Petty	Stokowski
Belanger	Frank	Lantry	Pillsbury	Stumpf
Benson	Frederick	Lindgren	Purfeerst	Taylor
Berg	Frederickson	Luther	Ramstad	Tennessen
Berglin	Hanson	Menning	Renneke	Ulland
Bertram	Humphrey	Moe, D. M.	Schmitz	Vega
Brataas	Johnson	Moe, R. D.	Setzepfandt	Waldorf
Dahl	Keefe	Nelson	Sikorski	Wegener
Davies	Knoll	Pehler	Solon	
Davis	Knutson	Penny	Spear	

Those who voted in the negative were:

Bernhagen	Kronebusch	Merriam	Peterson,C.C.	Rued
Chmielewski	Lessard	Olhoft	Peterson,D.L.	Willet

So the bill passed and its title was agreed to.

H. F. No. 969: A bill for an act relating to metropolitan government; authorizing the metropolitan council to prepare guidelines relating to the amendment of comprehensive plans; amending Minnesota Statutes 1980, Section 473.864, Subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 6, as follows:

Those who voted in the affirmative were:

Ashbach	Davis	Kronebusch	Pehler	Stokowski
Bang	Dicklich	Langseth	Penny	Stumpf
Belanger	Engler	Lantry	Peterson,R.W.	Taylor
Benson	Frank	Lessard	Petty	Tennessen
Berg	Frederick	Lindgren	Pillsbury	Ulland
Berglin	Frederickson	Luther	Ramstad	Vega
Bernhagen	Hanson	Menning	Rued	Waldorf
Bertram	Johnson	Merriam	Setzepfandt	Wegener
Brataas	Keefe	Moe, D. M.	Sikorski	
Chmielewski	Knoll	Moe, R. D.	Solon	
Dahl	Knutson	Nelson	Spear	
Davies	Kroening	Olhoft	Stern	

Those who voted in the negative were:

Humphrey	Peterson,D.L.	Renneke	Schmitz	Willet
Peterson,C.C.				

So the bill passed and its title was agreed to.

H. F. No. 347: A bill for an act relating to the cities of St. Paul and Minneapolis; exempting a certain joint housing bonding program from the provisions of Minnesota Statutes, Section 462C.07, Subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 47 and nays 16, as follows:

Those who voted in the affirmative were:

Belanger	Frederickson	Lindgren	Petty	Stumpf
Benson	Hanson	Luther	Pillsbury	Taylor
Berglin	Humphrey	Merriam	Purfeerst	Tennessen
Brataas	Johnson	Moe, D. M.	Ramstad	Ulland
Chmielewski	Knoll	Moe, R. D.	Schmitz	Vega
Dahl	Knutson	Nelson	Sikorski	Waldorf
Davies	Kroening	Pehler	Solon	Wegener
Dicklich	Kronebusch	Penny	Spear	
Frank	Langseth	Peterson,D.L.	Stern	
Frederick	Lantry	Peterson,R.W.	Stokowski	

Those who voted in the negative were:

Ashbach	Bertram	Keefe	Olhoft	Rued
Bang	Davis	Lessard	Peterson,C.C.	Setzepfandt
Berg	Engler	Menning	Renneke	Willet
Bernhagen				

So the bill passed and its title was agreed to.

S. F. No. 642: A bill for an act relating to financial institutions; authorizing establishment of detached facilities resulting from mergers and consolidations; amending Minnesota Statutes 1980, Sections 49.34; 49.36; and 49.45.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 50 and nays 12, as follows:

Those who voted in the affirmative were:

Ashbach	Davis	Knutson	Nelson	Solon
Bang	Dicklich	Kroening	Pehler	Spear
Belanger	Engler	Kronebusch	Peterson,R.W.	Stern
Benson	Frank	Langseth	Petty	Stokowski
Berglin	Frederick	Lantry	Pillsbury	Stumpf
Bernhagen	Hanson	Lessard	Purfeerst	Tennessen
Bertram	Humphrey	Lindgren	Ramstad	Ulland
Brataas	Johnson	Luther	Rued	Vega
Dahl	Keefe	Merriam	Schmitz	Waldorf
Davies	Knoll	Moe, R. D.	Setzepfandt	Wegener

Those who voted in the negative were:

Berg	Menning	Peterson,C.C.	Renneke	Taylor
Chmielewski	Olhoft	Peterson,D.L.	Sikorski	Willet
Frederickson	Penny			

So the bill passed and its title was agreed to.

H. F. No. 574: A bill for an act relating to intoxicating liquor; authorizing the issuance of one off-sale license in the town of Tofte.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 54 and nays 8, as follows:

Those who voted in the affirmative were:

Ashbach	Brataas	Frank	Keefe	Lessard
Belanger	Dahl	Frederick	Knoll	Lindgren
Benson	Davies	Frederickson	Knutson	Luther
Berglin	Davis	Hanson	Kronebusch	Merriam
Bernhagen	Dicklich	Humphrey	Langseth	Moe, D. M.
Bertram	Engler	Johnson	Lantry	Moe, R. D.

Pehler	Pillsbury	Setzepfandt	Stokowski	Vega
Penny	Purfeerst	Sikorski	Stumpf	Waldorf
Peterson,D.L.	Ramstad	Solon	Taylor	Wegener
Peterson,R.W.	Rued	Spear	Tennessen	Willet
Petty	Schmitz	Stern	Ulland	

Those who voted in the negative were:

Bang	Kroening	Nelson	Peterson,C.C.	Renneke
Chmielewski	Menning	Olhoft		

So the bill passed and its title was agreed to.

H. F. No. 972: A bill for an act relating to financial institutions; increasing the percentage of capital and surplus a bank or trust company may invest in the stock of certain banks or bank holding companies; amending Minnesota Statutes 1980, Section 48.61, Subdivision 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 51 and nays 12, as follows:

Those who voted in the affirmative were:

Ashbach	Frank	Lessard	Petty	Stokowski
Bang	Frederick	Lindgren	Pillsbury	Stumpf
Belanger	Frederickson	Luther	Purfeerst	Taylor
Benson	Hanson	Menning	Ramstad	Tennessen
Bernhagen	Humphrey	Merriam	Renneke	Ulland
Bertram	Johnson	Moe, R. D.	Schmitz	Vega
Brataas	Keefe	Nelson	Setzepfandt	Waldorf
Dahl	Knoll	Pehler	Sikorski	
Davies	Kronebusch	Penny	Solon	
Dicklich	Langseth	Peterson,D.L.	Spear	
Engler	Lantry	Peterson,R.W.	Stern	

Those who voted in the negative were:

Berg	Davis	Moe, D. M.	Peterson,C.C.	Wegener
Berglin	Knutson	Olhoft	Rued	Willet
Chmielewski	Kroening			

So the bill passed and its title was agreed to.

S. F. No. 460: A bill for an act relating to intoxicating liquor; authorizing the use of wine catalogs by off-sale dealers; amending Minnesota Statutes 1980, Section 340.15, Subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 41 and nays 22, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	Luther	Pillsbury	Stumpf
Bang	Hanson	Merriam	Purfeerst	Taylor
Belanger	Humphrey	Moe, D. M.	Ramstad	Tennessen
Benson	Johnson	Moe, R. D.	Rued	Ulland
Berglin	Knoll	Nelson	Schmitz	Vega
Brataas	Knutson	Pehler	Sikorski	
Dahl	Kronebusch	Penny	Solon	
Davies	Langseth	Peterson,R.W.	Spear	
Dicklich	Lantry	Petty	Stern	

Those who voted in the negative were:

Berg	Engler	Lessard	Peterson,D.L.	Wegener
Bernhagen	Frank	Lindgren	Renneke	Willet
Bertram	Frederickson	Menning	Setzepfandt	
Chmielewski	Keefe	Olhoft	Stokowski	
Davis	Kroening	Peterson,C.C.	Waldorf	

So the bill passed and its title was agreed to.

S. F. No. 937: A bill for an act relating to insurance; prohibiting the issuance or renewal of certain health policies or plans which exclude or limit coverage on DES related conditions; proposing new law coded in Minnesota Statutes, Chapter 62A.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Langseth	Peterson,C.C.	Spear
Bang	Engler	Lantry	Peterson,D.L.	Stern
Belanger	Frank	Lessard	Peterson,R.W.	Stokowski
Benson	Frederick	Lindgren	Petty	Stumpf
Berg	Frederickson	Luther	Pillsbury	Taylor
Berglin	Hanson	Menning	Purfeerst	Tennessen
Bernhagen	Humphrey	Merriam	Ramstad	Ulland
Bertram	Johnson	Moe, D. M.	Renneke	Vega
Brataas	Keefe	Moe, R. D.	Rued	Waldorf
Chmielewski	Knoll	Nelson	Schmitz	Wegener
Dahl	Knutson	Olhoft	Setzepfandt	Willet
Davies	Kroening	Pehler	Sikorski	
Davis	Kronebusch	Penny	Solon	

So the bill passed and its title was agreed to.

H. F. No. 937: A bill for an act relating to the city of Duluth; authorizing the city to continue to issue the number of liquor licenses it was authorized to issue in the year 1980.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 7, as follows:

Those who voted in the affirmative were:

Ashbach	Davis	Kronebusch	Peterson,R.W.	Stokowski
Bang	Dicklich	Langseth	Petty	Stumpf
Belanger	Engler	Lantry	Pillsbury	Taylor
Benson	Frank	Lessard	Purfeerst	Tennessen
Berg	Frederick	Luther	Ramstad	Ulland
Berglin	Frederickson	Merriam	Rued	Vega
Bernhagen	Hanson	Moe, D. M.	Schmitz	Waldorf
Bertram	Humphrey	Moe, R. D.	Setzepfandt	Wegener
Brataas	Johnson	Nelson	Sikorski	
Chmielewski	Keefe	Pehler	Solon	
Dahl	Knoll	Penny	Spear	
Davies	Kroening	Peterson,D.L.	Stern	

Those who voted in the negative were:

Knutson	Menning	Peterson,C.C.	Renneke	Willet
Lindgren	Olhoft			

So the bill passed and its title was agreed to.

S. F. No. 1125: A bill for an act relating to the cities of Bloomington and St. Louis Park; authorizing use of electronic voting systems for absentee voting; imposing rule-making duties on the secretary of state.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 2, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	Lessard	Peterson,R.W.	Stokowski
Belanger	Frederickson	Lindgren	Petty	Stumpf
Benson	Hanson	Luther	Pillsbury	Taylor
Berglin	Hughes	Menning	Purfeerst	Tennessen
Bernhagen	Humphrey	Merriam	Ramstad	Ulland
Bertram	Johnson	Moe, D. M.	Renneke	Vega
Brataas	Keefe	Moe, R. D.	Rued	Waldorf
Chmielewski	Knoll	Nelson	Schmitz	Wegener
Dahl	Knutson	Olhoft	Setzepfandt	Willet
Davis	Kroening	Pehler	Sikorski	
Dicklich	Kronebusch	Penny	Solon	
Engler	Langseth	Peterson,C.C.	Spear	
Frank	Lantry	Peterson,D.L.	Stern	

Messrs. Bang and Davies voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 657: A bill for an act relating to courts; providing for additional clerk and administrator duties in conciliation court; changing the jurisdiction of conciliation courts; providing for a procedure to assist in collection of conciliation court judgments; changing certain deadlines; providing penalties; amending Minnesota Statutes 1980, Sections 487.30, Subdivision 1, and by adding a subdivision; 488A.12, Subdivision 3; 488A.13, Subdivision 2; 488A.14, Subdivisions 4 and 5; 488A.16, Subdivisions 2, 5, 6 and 8; 488A.17, Subdivisions 2 and 3; 488A.29, Subdivision 3; 488A.30, Subdivision 2; 488A.31, Subdivisions 4 and 5; 488A.33, Subdivisions 2, 5, 7 and 8; 488A.34, Subdivisions 2 and 12.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 1, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Langseth	Peterson,C.C.	Spear
Bang	Engler	Lantry	Peterson,D.L.	Stern
Belanger	Frank	Lessard	Peterson,R.W.	Stokowski
Benson	Frederick	Lindgren	Petty	Stumpf
Berg	Frederickson	Luther	Pillsbury	Taylor
Berglin	Hanson	Menning	Purfeerst	Tennessen
Bernhagen	Hughes	Merriam	Ramstad	Ulland
Bertram	Humphrey	Moe, D. M.	Renneke	Vega
Brataas	Johnson	Moe, R. D.	Rued	Waldorf
Chmielewski	Keefe	Nelson	Schmitz	Wegener
Dahl	Knoll	Olhoft	Setzepfandt	Willet
Davies	Kroening	Pehler	Sikorski	
Davis	Kronebusch	Penny	Solon	

Mr. Knutson voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 1164: A bill for an act relating to crimes; providing for review of sentences imposed prior to adoption of sentencing guidelines; proposing new law coded in Minnesota Statutes, Chapter 244.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 14 and nays 50, as follows:

Those who voted in the affirmative were:

Berglin	Dicklich	Merriam	Petty	Tennessen
Brataas	Johnson	Moe, D. M.	Stern	Ulland
Davies	Knutson	Peterson,R.W.	Stumpf	

Those who voted in the negative were:

Ashbach	Dieterich	Kronebusch	Pehler	Setzepfandt
Bang	Engler	Langseth	Penny	Sikorski
Belanger	Frank	Lantry	Peterson,C.C.	Solon
Benson	Frederick	Lessard	Peterson,D.L.	Spear
Berg	Frederickson	Lindgren	Pillsbury	Stokowski
Bernhagen	Hanson	Luther	Purfeerst	Taylor
Bertram	Hughes	Menning	Ramstad	Vega
Chmielewski	Humphrey	Moe, R. D.	Renneke	Waldorf
Dahl	Keefe	Nelson	Rued	Wegener
Davis	Kroening	Olhoft	Schmitz	Willet

So the bill failed to pass.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Mr. Davies moved that S. F. No. 225 be taken from the table. The motion prevailed.

S. F. No. 225: A bill for an act relating to labor; regulating certain charges to persons earning the minimum wage; amending Minnesota Statutes 1980, Section 177.24, by adding subdivisions.

CONCURRENCE AND REPASSAGE

Mr. Davies moved that the Senate concur in the amendments by the House to S. F. No. 225 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 225 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 50 and nays 8, as follows:

Those who voted in the affirmative were:

Bang	Davis	Humphrey	Lantry	Moe, D. M.
Belanger	Dieterich	Johnson	Lessard	Moe, R. D.
Berglin	Frank	Keefe	Lindgren	Olhoft
Chmielewski	Frederickson	Knutson	Luther	Pehler
Dahl	Hanson	Kroening	Menning	Penny
Davies	Hughes	Kronebusch	Merriam	Peterson,C.C.

Peterson,D.L.	Ramstad	Setzepfandt	Stokowski	Vega
Peterson,R.W.	Renneke	Sikorski	Stumpf	Waldorf
Petty	Rued	Solon	Taylor	Wegener
Pillsbury	Schmitz	Spear	Ulland	Willet

Those who voted in the negative were:

Ashbach	Berg	Bertram	Engler	Frederick
Benson	Bernhagen	Brataas		

So the bill, as amended, was repassed and its title was agreed to.

SUSPENSION OF RULES

Without objection, the Senate reverted to the Order of Business of the Consent Calendar and the rules of the Senate were so far suspended as to waive the lie-over requirement.

CONSENT CALENDAR

S. F. No. 1265: A bill for an act relating to the Ramsey-Washington Metro watershed district; permitting deferral of special assessments in certain cases of hardship.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 53 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Frank	Lantry	Peterson,D.L.	Stokowski
Belanger	Frederickson	Lessard	Peterson,R.W.	Stumpf
Benson	Hanson	Lindgren	Pillsbury	Taylor
Berglin	Hughes	Luther	Ramstad	Tennessen
Bertram	Humphrey	Menning	Renneke	Ulland
Chmielewski	Johnson	Merriam	Rued	Vega
Dahl	Keefe	Moe, D. M.	Schmitz	Waldorf
Davies	Knutson	Moe, R. D.	Setzepfandt	Wegener
Davis	Kroening	Olhoft	Sikorski	Willet
Dieterich	Kronebusch	Penny	Solon	
Engler	Langseth	Peterson,C.C.	Spear	

So the bill passed and its title was agreed to.

H. F. No. 222: A bill for an act relating to families; designating an American family day; proposing new law coded in Minnesota Statutes, Chapter 517.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 55 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Kronebusch	Penny	Solon
Bang	Frank	Langseth	Peterson,C.C.	Stern
Belanger	Frederickson	Lantry	Peterson,D.L.	Stokowski
Benson	Hanson	Lessard	Peterson,R.W.	Stumpf
Berglin	Hughes	Lindgren	Pillsbury	Taylor
Bertram	Humphrey	Luther	Ramstad	Tennessen
Chmielewski	Johnson	Menning	Renneke	Ulland
Dahl	Keefe	Merriam	Rued	Vega
Davies	Knoll	Moe, D. M.	Schmitz	Waldorf
Davis	Knutson	Moe, R. D.	Setzepfandt	Wegener
Dieterich	Kroening	Olhoft	Sikorski	Willet

So the bill passed and its title was agreed to.

H. F. No. 171: A bill for an act relating to historic sites; changing the classification of the Kensington Runestone historic site; amending Minnesota Statutes 1980, Section 138.56, by adding a subdivision; repealing Minnesota Statutes 1980, Section 138.58, Subdivision 7.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 52 and nays 4, as follows:

Those who voted in the affirmative were:

Bang	Engler	Lantry	Peterson,R.W.	Stumpf
Belanger	Frank	Lessard	Pillsbury	Taylor
Benson	Frederickson	Lindgren	Ramstad	Tennessen
Berglin	Hanson	Luther	Renneke	Ulland
Bertram	Hughes	Menning	Rued	Vega
Chmielewski	Humphrey	Merriam	Schmitz	Waldorf
Dahl	Johnson	Moe, R. D.	Setzepfandt	Wegener
Davies	Knoll	Olhoft	Sikorski	Willet
Davis	Knutson	Penny	Solon	
Dicklich	Kronebusch	Peterson,C.C.	Stern	
Dieterich	Langseth	Peterson,D.L.	Stokowski	

Messrs. Keefe; Kroening; Moe, D. M. and Spear voted in the negative.

So the bill passed and its title was agreed to.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS

CONFIRMATION

Mr. Knoll moved that the report from the Committee on Governmental Operations, reported April 23, 1981, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Knoll moved that the foregoing report be now adopted. The motion prevailed.

Mr. Knoll moved that in accordance with the report from the Committee on Governmental Operations reported April 23, 1981, the Senate, having given its advice, do now consent to and confirm the appointment of:

DEPARTMENT OF ADMINISTRATION COMMISSIONER

James Hiniker, 6833 Oaklawn Avenue, Edina, Hennepin County, effective March 12, 1979, for a term expiring the first Monday in January, 1983.

The motion prevailed. So the appointment was confirmed.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Bertram in the chair.

After some time spent therein, the committee arose, and Mr. Bertram re-

ported that the committee had considered the following:

S. F. Nos. 1074, 690, 890, 556, 655, 909, 641, 1132, 1174, 672, 814 and H. F. Nos. 484, 1015, 681 and 739, which the committee recommends to pass.

S. F. No. 1172, which the committee recommends be returned to the Committee on Governmental Operations.

S. F. No. 1056, which the committee recommends be returned to the Committee on Governmental Operations.

H. F. No. 579, which the committee recommends to pass, subject to the following motions.

Mr. Waldorf moved to amend H. F. No. 579 as follows:

Page 8, lines 2 to 6, reinstate the stricken language and delete the new language

Page 8, line 3, strike "conventional loan or"

Page 8, line 5, strike "conventional loan or"

Page 9, lines 2 and 3, reinstate the stricken language and delete the new language

Page 10, lines 11 to 15, reinstate the stricken language and delete the new language

Page 10, line 12, strike "conventional loan or"

Page 10, line 14, strike "conventional loan or"

Page 11, lines 11, 22 and 24, reinstate the stricken language and delete the new language

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 31 and nays 13, as follows:

Those who voted in the affirmative were:

Berglin	Frederickson	Lindgren	Peterson,D.L.	Waldorf
Chmielewski	Humphrey	Luther	Peterson,R.W.	Wegener
Dahl	Johnson	Menning	Sikorski	Willet
Davis	Knoll	Moe, D. M.	Spear	
Dicklich	Kroening	Moe, R. D.	Stokowski	
Dieterich	Langseth	Olhoft	Stumpf	
Frank	Lantry	Penny	Taylor	

Those who voted in the negative were:

Ashbach	Engler	Kronebusch	Solon	Ulland
Belanger	Keefe	Pillsbury	Stern	
Benson	Knutson	Rued	Tennessen	

The motion prevailed. So the amendment was adopted.

Mr. Kroening moved to amend H. F. No. 579 as follows:

Amend the title as follows:

Page 1, delete lines 2 to 5 and insert

"relating to financial institutions; providing for unlimited interest rates on mortgage loans; removing rate restrictions on certain mortgage loans; prohibiting legislative review of any new alternative mortgage instruments; requiring that all mortgage loans made after May 31, 1979, be assumable under the financial institution options, specifically unlimited interest rates; amending Minesota Statutes 1980,"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 17 and nays 32, as follows:

Those who voted in the affirmative were:

Berglin	Dieterich	Langseth	Moe, D. M.	Willet
Chmielewski	Frank	Lessard	Sikorski	
Davis	Johnson	Luther	Spear	
Dicklich	Kroening	Menning	Waldorf	

Those who voted in the negative were:

Ashbach	Davies	Knutson	Peterson,C.C.	Taylor
Bang	Engler	Kronebusch	Peterson,D.L.	Tennessen
Belanger	Frederickson	Lantry	Peterson,R.W.	Ulland
Benson	Hanson	Merriam	Pillsbury	Wegener
Berg	Hughes	Moe, R. D.	Renneke	
Bernhagen	Humphrey	Nelson	Rued	
Dahl	Keefe	Olhoft	Stern	

The motion did not prevail.So the amendment was not adopted.

Mr. Luther moved to amend H. F. No. 579 as follows:

Page 12, line 33, delete "*such*" and insert "*a new interest*"

Page 12, line 33, delete "*as agreed to*" and insert "*which will be the bank's current market rate of interest on similar loans at the time of the transfer, but which will be no greater than the most recently published monthly index of the federal national mortgage association auction yields as compiled by the federal national mortgage association*"

Page 12, line 34, delete everything before the period

The motion prevailed. So the amendment was adopted.

Mr. Johnson moved to amend H. F. No. 579 as follows:

Page 14, line 10, after "*enactment*" insert "*and are repealed effective July 1, 1983*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 20 and nays 31, as follows:

Those who voted in the affirmative were:

Berglin	Dicklich	Johnson	Luther	Spear
Chmielewski	Frank	Kroening	Moe, R. D.	Stokowski
Dahl	Hanson	Langseth	Peterson,R.W.	Stumpf
Davis	Humphrey	Lantry	Sikorski	Willet

Those who voted in the negative were:

Ashbach	Davies	Kronebusch	Ramstad	Taylor
Bang	Engler	Lessard	Renneke	Tennessen
Belanger	Frederick	Merriam	Rued	Ulland
Benson	Frederickson	Penny	Schmitz	
Berg	Hughes	Peterson,C.C.	Setzepfandt	
Bernhagen	Keefe	Peterson,D.L.	Solon	
Brataas	Knutson	Pillsbury	Stern	

The motion did not prevail.So the amendment was not adopted.

The question was taken on the recommendation to pass H. F. No. 579.

The roll was called, and there were yeas 41 and nays 17, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	Lantry	Peterson,D.L.	Stern
Bang	Frederickson	Lessard	Peterson,R.W.	Taylor
Belanger	Hanson	Lindgren	Pillsbury	Tennessen
Benson	Hughes	Merriam	Ramstad	Ulland
Berg	Humphrey	Moe, R. D.	Renneke	Wegener
Brataas	Keefe	Nelson	Rued	
Dahl	Knutson	Pehler	Schmitz	
Davies	Kronebusch	Penny	Setzepfandt	
Engler	Langseth	Peterson,C.C.	Solon	

Those who voted in the negative were:

Berglin	Dieterich	Luther	Stokowski	Willet
Chmielewski	Frank	Moe, D. M.	Stumpf	
Davis	Johnson	Sikorski	Vega	
Dicklich	Kroening	Spear	Waldorf	

The motion prevailed. So H. F. No. 579 was recommended to pass.

S. F. No. 1188, which the committee recommends to pass with the following amendment offered by Mr. Moe, D.M.:

Page 2, line 29, reinstate the comma

Page 2, line 31, strike "in writing inform" and insert "*notify*"

Page 2, line 31, after "party" insert "*in writing*"

Page 3, line 14, delete "*those charges*" and insert "*the charge*"

Page 5, line 10, strike "such" and insert "*the*"

Page 5, line 16, strike "shall lease or rent" and insert "*leases or rents*"

Page 7, line 3, strike "his" and insert "*their*"

Page 7, lines 3 and 11, strike "thereof"

Page 7, line 4, strike "cause" and insert "*terminate*"

Page 7, line 5, strike "to terminate"

Page 7, line 11, strike "in such" and insert "*under*"

Page 7, line 12, strike "may deem" and insert "*deems*"

Page 7, line 12, strike "such" and insert "*the*"

Page 7, line 15, strike ", in its discretion,"

Amend the title as follows:

Page 1, line 3, delete "; defining certain terms"

Page 1, line 7, delete "and eliminating the"

Page 1, delete lines 8 and 9

Page 1, line 10, delete "the recovery for certain damages"

The motion prevailed. So the amendment was adopted.

S. F. No. 56, which the committee recommends to pass with the following amendment offered by Mr. Davies:

Page 1, line 21, after "*(b)*" insert ", *unless waived by the commissioner to*

the extent applicable to holders who are both nonresidents and employed outside this state,''

The motion prevailed. So the amendment was adopted.

S. F. No. 1135, which the committee reports progress, subject to the following motion:

Mr. Davies moved to amend S. F. No. 1135 as follows:

Page 1, line 19, delete ''*five*'' and insert ''*four*''

Page 2, lines 19 and 31, delete ''*five*'' and insert ''*four*''

The motion prevailed. So the amendment was adopted.

S. F. No. 1135 was then progressed.

S. F. No. 1106, which the committee recommends to pass with the following amendment offered by Mr. Moe, D.M.:

Page 7, line 5, after ''*applicable*'' insert a comma

Page 104, line 35, before ''*board*'' insert ''*school*'' and delete ''*of education*''

Page 131, line 2, delete ''*161*'' and insert ''*158*''

Page 134, line 30, after the first ''*to*'' insert ''*Minnesota Statutes 1980, Section 355.73,*''

Page 141, line 20, delete ''*fifth*'' and insert ''*sixth*''

Page 183, line 7, delete ''*230*'' and insert ''*222*''

Page 183, line 13, delete ''*230*'' and insert ''*222*''

Page 196, line 19, delete ''*161*'' and insert ''*158*''

Page 220, line 24, delete ''*section*'' and insert ''*sections*''

Page 221, line 6, after ''*352.1181;*'' insert ''*352B.075;*''

Page 221, line 24, delete ''*209*'' and insert ''*207*''

Amend the title as follows:

Page 2, line 60, after ''352.1181;'' insert ''352B.075;''

The motion prevailed. So the amendment was adopted.

S. F. No. 1126, which the committee recommends to pass with the following amendment offered by Mr. Ulland:

Page 2, line 6, delete ''2'' and insert ''*2a*''

The motion prevailed. So the amendment was adopted.

On motion of Mr. Bertram, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

MEMBERS EXCUSED

Messrs. Petty and Purfeerst were excused from the Session of today at 2:00 p.m. Mr. Hughes was excused from the Session of today from 1:15 to 1:45

p.m. Mr. Sieloff was excused from this afternoon's Session.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess until 7:30 p.m. The motion prevailed.

The hour of 7:30 p.m. having arrived, the President called the Senate to order.

Without objection, the Senate reverted to the Order of Business of Messages From the House.

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. 1047.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 28, 1981

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of three members of the House, on the amendments adopted by the House to the following Senate File:

S. F. No. 145: A bill for an act relating to crimes; authorizing notices of dishonored checks to be made by certified or regular mail and an affidavit of service by mailing; amending Minnesota Statutes 1980, Section 609.535, Subdivision 3.

There has been appointed as such committee on the part of the House:

Kelly, McCarron and Heinitz.

Senate File No. 145 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 28, 1981

MOTIONS AND RESOLUTIONS

Mr. Willet moved that H. F. No. 1421 be withdrawn from the Committee on Finance and laid on the table. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Ms. Berglin introduced—

S.F. No. 1379: A bill for an act relating to criminal justice; imposing a tax on alcoholic beverages sold for resale by the drink; providing for the distribu-

tion of the proceeds to local units of government to meet the costs of enforcement of laws relating to driving offenses involving alcohol or drugs; requiring payment of certain costs by persons receiving treatment for alcoholism; providing penalties; appropriating money; proposing new law coded in Minnesota Statutes, Chapters 169 and 340.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Setzepfandt; Belanger; Peterson, C.C. and Vega introduced—

S.F. No. 1380: A bill for an act relating to civil actions; requiring jury fees to be refunded upon settlement prior to trial; proposing new law coded in Minnesota Statutes, Chapter 546.

Referred to the Committee on Judiciary.

Mrs. Kronebusch introduced—

S.F. No. 1381: A bill for an act relating to local government; extending application of the revenue recapture act to certain local governments; amending Minnesota Statutes 1980, Sections 270A.02; and 270A.03, Subdivision 2.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Davies and Peterson, R.W. introduced—

S.F. No. 1382: A bill for an act relating to legislative enactments; providing for the correction of miscellaneous oversights, inconsistencies, ambiguities, unintended results and errors of a noncontroversial nature; amending H.F. No. 332, Sections 11, Subdivision 4; and 15, Subdivision 1.

Referred to the Committee on Rules and Administration.

Messrs. Peterson, C.C.; Johnson; Merriam; Lessard and Bernhagen introduced—

S.F. No. 1383: A bill for an act relating to game and fish; enlarging the definition of fur bearing animals and regulating the taking and possession thereof; amending Minnesota Statutes 1980, Sections 97.40, Subdivisions 7 and 9; 97.45, Subdivision 13; 97.482, Subdivision 1; 97.55, Subdivision 9; 98.45, Subdivision 7; 98.46, Subdivisions 2a, 4, 14, and 21; 98.47, Subdivisions 1, 6, and 10; 98.48, Subdivision 5; 98.50, Subdivision 1; 98.51, Subdivisions 1 and 3; 99.27, Subdivision 1; 100.273, Subdivisions 2 and 7; 100.29, Subdivision 11; and 100.30.

Referred to the Committee on Agriculture and Natural Resources.

Mrs. Kronebusch, Messrs. Rued, Engler, Johnson and Chmielewski introduced—

S.F. No. 1384: A bill for an act relating to taxation; sales and use tax; clarifying the exemption of wrapping paper purchased for custom meat processing; amending Minnesota Statutes 1980, Section 297A.25, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Humphrey; Willet; Moe, R.D.; Peterson C.C. and Mrs. Lantry introduced—

S.F. No. 1385: A resolution memorializing the President and Congress of the United States of Minnesota's opposition to the decontrol of natural gas prices.

Referred to the Committee on Rules and Administration.

Mr. Willet, for the Committee on Finance, introduced—

S.F. No. 1386: A bill for an act relating to the organization and operation of state government; appropriating money for education and related purposes, including the department of education, higher education coordinating board, state universities, community colleges, and the university of Minnesota and its hospitals, with certain conditions; amending Minnesota Statutes 1980, Sections 15.38; and 144A.61, Subdivision 3.

Under the rules of the Senate, laid over one day.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Nelson in the chair.

After some time spent therein, the committee arose, and Mr. Frederickson reported that the committee had considered the following:

S. F. Nos. 558, 1248, 823, 1278, 1321, 167 and H. F. Nos. 1088, 365, 189, 996, 976, 1080, 536, 928, 1075, 775, 564, 277, 395, 1052, 704, 601, 57, 436 and 893, which the committee recommends to pass.

S. F. No. 662, which the committee recommends to pass with the following amendments offered by Messrs. Petty, Davies and Engler:

Mr. Petty moved to amend S.F. No. 662 as follows:

Amend the title as follows:

Page 1, line 28, delete "certain" and insert "an"

Page 1, line 28, delete "provisions" and insert "provision" and delete the rest of the line

Page 1, delete line 29

Page 1, line 30, delete everything before the semicolon

The motion prevailed. So the amendment was adopted.

Mr. Davies moved to amend S. F. No. 662 as follows:

Page 4, line 36, delete "*or she*"

Page 8, line 23, delete "*or she*"

Page 9, lines 17 and 19, delete "*or she*"

Page 10, line 7, delete "*or*"

Page 10, line 8, delete "*she*"

Page 11, line 22, delete "*or her*"

Page 13, line 3, delete "*or her*"

Page 14, line 18, delete "*or her*"

Page 16, line 29, delete "*or*"

Page 16, line 30, delete "*her*"

Page 17, lines 1 and 5, delete "*or her*"

Page 17, line 7, delete "*or she*"

The motion prevailed. So the amendment was adopted.

Mr. Engler moved to amend S.F. No. 662 as follows:

Page 5, after line 17, insert:

"Sec. 6. Minnesota Statutes 1980, Section 47.51, is amended to read:

47.51 [DETACHED BANKING FACILITIES; DEFINITIONS.]

As used in sections 47.51 to 47.57:

"Extension of the main banking house" means any structure or stationary mechanical device serving as a drive-in or walk-up facility, or both, which is located within 150 feet of the main banking house, the distance to be measured in a straight line from the closest points of the closest structures involved and which performs one or more of the functions described in section 47.53.

"Detached facility" means any permanent structure, office accommodation located within the premises of any existing commercial or business establishment, stationary automated remote controlled teller facility, stationary unmanned cash dispensing or receiving device, located separate and apart from the main banking house which is not an "extension of the main banking house" as above defined, that serves as a drive-in or walk-up facility, or both, with one or more tellers windows, or as a remote controlled teller facility or a cash dispensing or receiving device, and which performs one or more of those functions described in section 47.53.

"Bank" means a bank as defined in section 45.08 and any banking office established prior to the effective date of Laws 1923, Chapter 170, Section 1.

"Commissioner" means the commissioner of banks.

"Municipality" means the geographical area encompassing the boundaries of any home rule charter or statutory city located in this state, and any detached area, pursuant to section 473.625, operated as a major airport by the metropolitan airports commission pursuant to sections 473.601 to 473.679. *When a bank is located in a township, the term municipality is expanded to mean the geographical area encompassing the boundaries of the township.*"

Page 18, line 22, delete "*17*" and insert "*18*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, after the semicolon, insert "expanding the definition of municipality to include townships with a bank;"

Page 1, line 33, after "Subdivision 1;" insert "47.51;"

The motion prevailed. So the amendment was adopted.

S. F. No. 945, which the committee recommends to pass with the following amendments offered by Ms. Berglin and Mr. Olhoft:

Ms. Berglin moved to amend S. F. No. 945 as follows:

Page 2, line 9, strike "or" and insert a comma

Page 2, line 11, after "price" insert ", *or the sale of which would net an insignificant amount of income applicable to the family's needs*"

Page 3, line 14, after "price" insert ", *or unless sale of the real estate would net an insignificant amount of income applicable to the family's needs*"

The motion prevailed. So the amendment was adopted.

Mr. Olhoft moved to amend S. F. No. 945 as follows:

Page 1, line 20, delete "*with*" and insert "*and*"

Page 3, line 9, delete "*with*" and insert "*and*"

The motion prevailed. So the amendment was adopted.

S. F. No. 207, which the committee recommends to pass with the following amendments offered by Messrs. Spear and Peterson, C.C.:

Mr. Spear moved to amend S.F. No. 207 as follows:

Page 14, line 24, delete "*353.017, Subdivision 5;*"

Amend the title as follows:

Page 1, line 11, delete "353.017,"

Page 1, line 12, delete "Subdivision 5;"

The motion prevailed. So the amendment was adopted.

Mr. Peterson, C.C. moved to amend S.F. No. 207 as follows:

Page 7, line 27, after the stricken word "or" delete the comma and insert "*on*" and delete "*diskettes*" and insert " *magnetic media*"

The motion prevailed. So the amendment was adopted.

H. F. No. 79, which the committee recommends to pass with the following amendments offered by Messrs. Petty and Ulland:

Mr. Petty moved to amend H. F. No. 79, the unofficial engrossment, as follows:

Page 2, after line 27, insert:

"*(6) Transactions in which the buyer of the secondhand item containing precious metal is engaged primarily in the business of buying and selling antiques, and the items are resold in an unaltered condition except for repair, and the items are resold at retail, and such buyer purchased less than $2,500 worth of secondhand items containing precious metals within any period of twelve consecutive months.*"

The motion prevailed. So the amendment was adopted.

Mr. Ulland moved to amend H. F. No. 79, the unofficial engrossment, as follows:

Page 6, line 1, after "*state*" insert "*which has enacted an ordinance relating to the regulation and licensing of precious metal dealers effective prior to February 1, 1981,*"

The motion prevailed. So the amendment was adopted.

Mr. Ulland then moved to amend H. F. No. 79, the unofficial engrossment, as follows:

Page 3, line 15, before the period, insert ", *not to exceed $100*"

The motion prevailed. So the amendment was adopted.

Mr. Ulland then moved to amend H. F. No. 79, the unofficial engrossment, as follows:

Page 6, line 3, after the period, insert "*No municipal corporation or other governmental subdivision which has enacted an ordinance relating to the regulation and licensing of precious metal dealers effective after January 31, 1981, shall require a license fee in addition to the fee authorized in section 3, subdivision 2.*"

The motion prevailed. So the amendment was adopted.

H. F. No. 567, which the committee recommends to pass with the following amendment offered by Mr. Renneke:

Amend H. F. No. 567, as amended pursuant to Rule 49, adopted by the Senate April 23, 1981, as follows:

(The text of the amended House File is identical to S. F. No. 1293.)

Page 4, line 6, delete "*and*"

Amend the title as follows:

Page 1, line 9, delete "the signature of" and insert "notice to"

Page 1, line 10, delete "on the retirement application form"

The motion prevailed. So the amendment was adopted.

On motion of Mr. Frederickson, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

Without objection, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

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. 642: A bill for an act relating to financial institutions; authorizing establishment of detached facilities resulting from mergers and consolidations; amending Minnesota Statutes 1980, Sections 49.34; 49.36; and 49.45.

Senate File No. 642 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 28, 1981

CONCURRENCE AND REPASSAGE

Mr. Tennessen moved that the Senate concur in the amendments by the House to S. F. No. 642 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 642 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 46 and nays 9, as follows:

Those who voted in the affirmative were:

Belanger	Frank	Lantry	Pillsbury	Stumpf
Benson	Frederick	Lessard	Ramstad	Taylor
Berglin	Hanson	Lindgren	Rued	Tennessen
Bernhagen	Hughes	Luther	Schmitz	Ulland
Bertram	Humphrey	Merriam	Setzepfandt	Vega
Brataas	Johnson	Moe, R. D.	Sieloff	Waldorf
Dahl	Keefe	Nelson	Sikorski	
Davies	Kroening	Pehler	Spear	
Davis	Kronebusch	Peterson,R.W.	Stern	
Engler	Langseth	Petty	Stokowski	

Those who voted in the negative were:

Chmielewski	Menning	Penny	Renneke	Willet
Frederickson	Olhoft	Peterson,C.C.	Wegener	

So the bill, as amended, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Wednesday, April 29, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

FORTY-THIRD DAY

St. Paul, Minnesota, Wednesday, April 29, 1981

The Senate met at 10:00 a.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. John Michel.

The roll was called, and the following Senators answered to their names:

Ashbach	Dicklich	Kroening	Penny	Sikorski
Bang	Dieterich	Kronebusch	Peterson, C.C.	Solon
Belanger	Engler	Langseth	Peterson, D.L.	Spear
Benson	Frank	Lantry	Peterson, R.W.	Stern
Berg	Frederick	Lessard	Petty	Stokowski
Berglin	Frederickson	Luther	Pillsbury	Stumpf
Bernhagen	Hanson	Menning	Purfeerst	Taylor
Bertram	Hughes	Merriam	Ramstad	Tennessen
Brataas	Humphrey	Moe, D.M.	Renneke	Ulland
Chmielewski	Johnson	Moe, R.D.	Rued	Vega
Dahl	Keefe	Nelson	Schmitz	Waldorf
Davies	Knoll	Olhoft	Setzepfandt	Wegener
Davis	Knutson	Pehler	Sieloff	Willet

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Mr. Lindgren was excused from the Session of today from 10:00 a.m. to 1:00 p.m. Mr. Olhoft was excused from the Sesson of today from 12:00 noon until 1:45 p.m.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

April 28, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S. F. No. 263.

Sincerely yours,

Albert H. Quie, Governor

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 602: A bill for an act relating to intoxicating liquor; correcting the wording of the ballot question for a municipal liquor store referendum; amending Minnesota Statutes 1980, Section 340.353, Subdivision 2.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

H. F. No. 6: A bill for an act relating to commerce; prohibiting the sale of certain petroleum products on any basis other than gross volume; amending Minnesota Statutes 1980, Section 296.05, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

H. F. No. 921: A bill for an act relating to motor vehicles; adjusting bond provisions for dealers; requiring bonds for motorized bicycle dealers; amending Minnesota Statutes 1980, Section 168.27, Subdivision 24.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 1017: A bill for an act relating to commerce; requiring that consumer contracts be written in clear and coherent language; providing remedies; proposing new law coded in Minnesota Statutes, Chapter 325G.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [325G.29] [CITATION.] *Sections 1 to 9 may be cited as the "Plain Language Contract Act".*

Sec. 2. [325G.30] [DEFINITIONS.]

Subdivision 1. [TERMS.] *As used in sections 2 to 9, the terms defined in this section shall have the meanings given them.*

Subd. 2. [CONSUMER.] *"Consumer" means any individual who, primarily for personal, family or household purposes: (1) leases, contracts for, or otherwise gives consideration for any interest in any goods, services or personal property, including money; (2) grants, transfers or authorizes a security interest or other lien on any goods or personal property; or (3) rents or leases residential premises for a term not exceeding three years.*

Subd. 3. [CONSUMER CONTRACT.] *"Consumer contract" means any written contract to which an individual is a party as a consumer except: (1) a contract where the amount involved, excluding interest or finance charges, is more than $50,000; (2) a contract through which a consumer obtains money or credit to be used to purchase or refinance an interest in realty; (3) a contract in*

which the sale of goods or personal property is merely incidental to the sale of an interest in realty.

Sec. 3. [325G.31] [PLAIN LANGUAGE REQUIRED.]

Except as provided in section 4, every consumer contract shall be written in a clear and coherent manner using words with common and everyday meanings and shall be appropriately divided and captioned by its various sections.

Sec. 4. [325G.32] [EXCEPTIONS.]

Subdivision 1. [OTHER STATUTES OR REGULATIONS.] *Section 3 shall not apply to any consumer contract for which federal or state statute, rule or regulation prescribe standards of readability applicable to the entire contract. Section 3 shall not apply to particular words, phrases, provisions or forms of agreement whose use is specifically required, recommended or endorsed by state or federal statute, rule or regulation.*

Subd. 2. [CUSTOMARILY USED TECHNICAL TERMS.] *A consumer contract may include technical terms to describe, define or explain the goods, services, property or premises which are the subject of the contract, if the terms are customarily used by consumers in connection with the goods, services, property or premises.*

Sec. 5. [325G.33] [REMEDIES.]

Subdivision 1. [ENFORCEMENT AUTHORITY.] *Any violation of section 3 shall be deemed a violation of a law referred to in section 8.31, subdivision 1. The remedies provided in section 8.31, subdivisions 3 and 3a, shall be limited as provided in section 6.*

Subd. 2. [REFORMATION.] *In addition to the remedies provided in section 8.31, if a court reviewing a consumer contract finds that:*

(1) a material provision of the contract violates section 3;

(2) the violation caused the consumer to be substantially confused about any of the rights, obligations or remedies of the contract; and

(3) the violation has caused or is likely to cause financial detriment to the consumer,

the court may reform or limit the application of the provision so as to avoid an unfair result. If the court so reforms or limits the application of a provision of a consumer contract, the court shall also make such orders as may be necessary to avoid conferring any unjust enrichment. Bringing a claim for relief pursuant to this subdivision shall not entitle or authorize a consumer to withhold or suspend performance of any otherwise valid contractual obligation. No relief shall be granted pursuant to this subdivision unless the claim is brought before the obligations of the contract have been fully performed.

Sec. 6. [325G.34] [LIMITS ON REMEDIES.]

Subdivision 1. [PENALTIES.] *In any proceeding in which civil penalties are claimed from a party for a violation of section 3, it shall be an affirmative defense to that claim that the party had made a good faith and reasonable effort to comply with section 3.*

Subd. 2. [ATTORNEY'S FEES.] *No party who has made a good faith and*

reasonable effort to comply with section 3 shall be assessed attorney's fees or costs of investigation in any action for violating section 3.

Subd. 3. [CLASS ACTION ATTORNEY'S FEES.] *In any class action or series of class actions which arise from the use by a particular individual of a particular consumer contract found to violate section 3, the amount of attorney's fees and costs of investigation assessed against that individual and in favor of the consumer class or classes shall not exceed $10,000.*

Subd. 4. [LIMITS ON CONSUMER ACTIONS.] *Violation of section 3 shall not constitute a defense to any claim arising from a consumer's breach of a consumer contract or to an action for unlawful detainer. A consumer may recover actual damages caused by a violation of section 3 only if the violation relates to a material provision of a consumer contract and caused the consumer to be substantially confused about any of the rights, obligations or remedies of the contract.*

Subd. 5. [STATUTE OF LIMITATIONS.] *Any claim that a consumer contract violates section 3 shall be raised within six years of the date the contract is executed by the consumer.*

Sec. 7. [325G.35] [REVIEW BY THE ATTORNEY GENERAL.]

Subdivision 1. [PROCESS OF REVIEW.] *Any seller, creditor or lessor may submit a consumer contract to the attorney general for a review as to whether the contract complies with the requirements of section 3. After reviewing the contract the attorney general shall: (1) certify that the contract complies with section 3; (2) decline to certify that the contract complies with section 3 and note his objections to the contractual language; (3) decline to review the contract and refer the party submitting the contract to other previously certified contracts of the same type; (4) decline to review the contract because the contract's compliance with section 3 is the subject of pending litigation; or (5) decline to review the contract because the contract is not subject to section 3.*

Subd. 2. [PROCESS NOT REVIEWABLE.] *Actions of the attorney general pursuant to subdivision 1 shall not be subject to Minnesota Statutes, Chapter 15, and shall not be appealable.*

Subd. 3. [LIMITED EFFECT OF CERTIFICATION.] *Any consumer contract certified pursuant to subdivision 1 shall be deemed to comply with section 3. Certification of a consumer contract pursuant to subdivision 1 shall not otherwise be deemed an endorsement or approval of the contract's legality, validity or legal effect.*

Subd. 4. [REVIEW NOT REQUIRED.] *Failure to submit a contract to the attorney general for review pursuant to subdivision 1 shall not be deemed a lack of good faith nor shall it raise a presumption that the contract violates section 3. If pursuant to subdivision 1 the attorney general refers a party to a previously certified contract and the party chooses not to use that contract, that choice shall not be deemed a lack of good faith nor shall that choice raise a presumption that a contract used by that party violated section 3.*

Subd. 5. [FEE FOR REVIEW.] *The attorney general may charge a fee, not to exceed $50, for the actual costs of reviewing a consumer contract pursuant to subdivision 1.*

Sec. 8. [WAIVERS VOID.]

Any provision of a consumer contract which waives or attempts to waive any provision of sections 1 to 8 is void.

Sec. 9. [EFFECTIVE DATE.]

Sections 1 to 6 and 8 shall take effect on July 1, 1983. Section 7 shall take effect the day following final enactment. Sections 1 to 8 shall not affect any consumer contract executed before July 1, 1983. A previously existing consumer contract renewed after July 1, 1983, shall be subject to sections 1 to 8. No provision for renewal of a consumer contract shall be invalid merely because compliance with sections 1 to 8 changes the form of the renewal agreement. For the purposes of this section periodic tenancies shall be deemed to renew at the commencement of each rental period."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 728: A bill for an act relating to the city of Northome; authorizing the establishment of detached banking facilities.

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 1980, Section 47.52, is amended to read:

47.52 [AUTHORIZATION.]

(a) With the prior approval of the commissioner, any bank doing business in this state may establish and maintain not more than two detached facilities provided the facilities are located within the municipality in which the principal office of the applicant bank is located; or within 5,000 feet of its principal office measured in a straight line from the closest points of the closest structures involved; or within ~~25~~ *35* miles of its principal office measured in a straight line from the closest points of the closest structures involved, if the detached facility is within any municipality in which no bank is located at the time of application or if the detached facility is in a municipality having a population of more than ~~10,000~~ *5,000*, according to the last previous United States census, or if the detached facility is located in a municipality having a population of ~~10,000~~ *5,000* or less and all the banks having a principal office in the municipality have consented in writing to the establishment of the facility. (b) A detached facility shall not be closer than 50 feet to a detached facility operated by any other bank and shall not be closer than 100 feet to the principal office of any other bank, the measurement to be made in the same manner as provided above. This clause shall not be applicable if the proximity to the facility or the bank is waived in writing by the other bank and filed with the application to establish a detached facility. (c) Any bank is allowed, in addition to other facilities, one drive-in or walk-up facility located between 150 to 1,500 feet of the main banking house or a detached facility if the commissioner determines that such site of the main banking house or detached facility is so physically limited as to preclude the addition of a drive-in or walk-up facility. The drive-in or walk-up facility permitted by this clause is subject to clause (b) and section 47.53.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective on the day following final enactment."

Amend the title as follows:

Page 1, delete lines 2 and 3 and insert:

"relating to financial institutions; modifying the criteria for establishment of detached banking facilities; amending Minnesota Statutes 1980, Section 47.52."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 1302: A bill for an act relating to commerce; removing the auctioneer's exception to the definition of "real estate broker"; exempting certain real estate brokers and salespersons from the licensing requirements for mobile home manufacturers and dealers; amending Minnesota Statutes 1980, Sections 82.18; and 327.55, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 31, insert:

"Sec. 2. Minnesota Statutes 1980, Section 82.34, Subdivision 7, is amended to read:

Subd. 7. When any aggrieved person obtains a final judgment in any court of competent jurisdiction against any person licensed under this chapter, on grounds of fraudulent, deceptive or dishonest practices, or conversion of trust funds arising directly out of any transaction when the judgment debtor was licensed and performed acts for which a license is required under this chapter, *or performed acts permitted by section 3*, and which cause of action occurred on or after July 1, 1973, the aggrieved person may, upon the judgment becoming final, and upon termination of all proceedings, including reviews and appeals, file a verified application in the court in which the judgment was entered for an order directing payment out of the recovery portion of the fund of the amount of actual and direct out of pocket loss in such transaction, but excluding interest on the loss and on any judgment obtained as a result of such loss, up to the sum of $20,000 of the amount unpaid upon the judgment, provided that nothing in this chapter shall be construed to obligate the fund for more than $20,000 per transaction, subject to the limitations set forth in subdivisions 12 and 14, regardless of the number of persons aggrieved or parcels of real estate involved in such transaction. A copy of the verified application shall be served upon the commissioner and upon the judgment debtor, and a certificate or affidavit of such service filed with the court."

Page 2, line 32, delete "2" and insert "3"

Page 2, line 36, delete "*are exempt*" and insert "*shall not be required to obtain a license or a bond as required by this section, but shall comply with all other provisions of sections 327.55 to 327.56. Any real estate broker or salesperson who violates a provision of sections 327.551 to 327.554 in selling or offering for sale a used mobile home shall be deemed to have violated a provision of chapter 82.*"

Page 3, delete line 1

Amend the title as follows:

Page 1, line 7, after the semicolon, insert "82.34, Subdivision 7;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 1253: A bill for an act relating to consumer protection; providing for a definition of building materials which may contain urea formaldehyde; providing for exceptions; amending Minnesota Statutes 1980, Section 325F.18, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, delete "*residential*" and insert "*housing*"

Page 1, line 13, after the comma, insert "*but*"

Page 1, delete lines 14 to 16

Page 1, line 18, delete "*not installed as part of the*"

Page 1, line 19, delete "*construction of a mobile home*"

Page 1, line 20, delete "*residential*" and insert "*housing*" and after the semicolon, insert "*and*"

Page 1, delete lines 21 and 22

Page 1, line 23, delete "*(3)*" and insert "*(2)*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Humphrey from the Committee on Energy and Housing, to which was referred

S. F. No. 842: A bill for an act relating to energy; authorizing a temporary state set-aside program to ease shortages of gasoline and petroleum distillates administered by the Minnesota energy agency; appropriating funds.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [116H.095] [STATE SET-ASIDE PROGRAM.]

Subdivision 1. [PURPOSE.] *The legislature finds that the purpose of this section is to grant to the state authority to exercise specific power to deal with shortages of refined petroleum products. Authority granted shall be exercised for the purpose of minimizing the adverse impacts of shortages and dislocations upon the citizens and the economy of the state and nation.*

Subd. 2. [ESTABLISHMENT.] *The director shall establish and is responsible for a state set-aside system for motor gasoline and middle distillates to provide emergency petroleum requirements and thereby relieve the hardship caused by shortage, supply dislocations, or other emergencies. The director, for purposes of administration, may exercise all of the powers granted by Minnesota Statutes, Chapter 116H.*

Subd. 3. [DEFINITIONS.] *As used in this section:*

(a) "Middle distillates" means distillates obtained between kerosene and lubricating oil fractions in the refining process, including but not limited to, kerosene, number one and number two heating oil and diesel fuel;

(b) "Motor gasoline" means a liquid mixture of hydrocarbons produced by the distillation of petroleum and used chiefly as a fuel in internal combustion engines;

(c) "Prime supplier" means the producer or supplier now or hereafter making the first sale of middle distillates or motor gasoline subject to the state set-aside for consumption within the state;

(d) "State set-aside" means the amount of middle distillates or motor gasoline required to be made available by a prime supplier for utilization by the Minnesota energy agency to resolve or mitigate emergencies or hardships due to shortages of supply.

Subd. 4. [SET-ASIDE REQUIRED.] *Every prime supplier shall allocate for sale or exchange monthly upon order of the energy agency a volume of gasoline and middle distillate not exceeding the monthly set-aside amount. The amount of gasoline subject to monthly set-aside shall be an amount equal to three percent of the prime supplier's sales of gasoline during the corresponding month of 1980. The amount of middle distillate subject to monthly set-aside shall be an amount equal to four percent of the prime supplier's sales of middle distillate during the corresponding months of 1980.*

Subd. 5. [REPORT OF ESTIMATED VOLUME.] *Every prime supplier who did not do business in the state during the corresponding month of 1980 shall file with the energy agency a report of its estimated volume of gasoline and middle distillate sale. The report shall be in a form prescribed by the agency and shall be submitted by the 25th day of the month preceding the month covered by the report. Each prime supplier subject to this subdivision shall allocate monthly for sale or exchange upon order of the energy agency three percent of estimated gasoline supplies and four percent of estimated middle distillate supplies as shown by the report.*

Subd. 6. [PRIME SUPPLIER OBLIGATIONS.] *Each prime supplier shall designate a representative to act for and on behalf of the prime supplier in respect to energy agency state set-aside orders to be issued to the prime supplier. A prime supplier shall provide the amount of allocated product stated in the energy state set-aside order.*

Subd. 7. [RULES.] *The agency shall promulgate rules, including temporary rules pursuant to Minnesota Statutes, Section 15.0412, Subdivision 5, to govern the administration of the set-aside system. Rules shall cover matters such as the form and procedure for applications for set-aside allocations by dealers of bulk purchasers, reports on available gasoline and middle distillate supplies, orders and procedure for set-aside allocation and distribution and other rules deemed necessary or desirable in the implementation and administration of the set-aside system including monthly reports of anticipated deliveries and actual sales of gasoline, middle distillates, propane, aviation fuels and residual oils.*

Subd. 8. [CRITERIA.] *The agency may allocate gasoline and middle distillates from the set-aside system in accordance with the criteria pursuant to section 116H.09 and rules promulgated thereto. The agency may prescribe*

additional priorities by rule.

Sec. 2. Minnesota Statutes 1980, Section 453.52, Subdivision 3, is amended to read:

Subd. 3. "City" means a city organized and existing under the laws of Minnesota or a city charter adopted pursuant thereto, and authorized by such laws or charter to engage in the local distribution and sale of electric energy; provided that any city so engaged on January 1, 1976, is authorized to continue such distribution and sale, and every city now or hereafter so authorized may exercise, either individually or as a member of a municipal power agency, all of the powers granted in sections 453.51 to 453.62. *"City" also includes a city organized and existing under the laws of another state or a city charter adopted pursuant thereto which participates in a municipal power agency with Minnesota cities and pays a full pro rata share of the expenses of the agency.*

Sec. 3. [APPROPRIATION; PERSONNEL.]

There is appropriated from the general fund to the Minnesota energy agency the sum of $301,000 for the purpose of administering the provisions of the set-aside system created in section 1. The approved complement of the agency is increased by five positions.

Sec. 4. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Amend the title as follows:

Page 1, line 2, delete "temporary"

Page 1, line 5, after the semicolon, insert "permitting certain out of state cities to participate in a municipal power agency;"

Page 1, line 5, delete "funds" and insert "money; amending Minnesota Statutes 1980, Section 453.52, Subdivision 3; proposing new law coded in Minnesota Statutes, Chapter 116H"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 1314: A bill for an act relating to education; authorizing the sale of bonds for the maximum effort school loan fund; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 124.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1980, Section 124.43, Subdivision 1, is amended to read:

Subdivision 1. [AUTHORIZATION; APPLICATION; USE; AMOUNT.] To the extent moneys are from time to time available hereunder, the ~~committee is authorized~~ *commissioner may*, after review and recommendation by the state board of education, ~~to effect~~ *make* capital loans to school districts. Proceeds of ~~such~~ *the* loans shall be used only for sites for school buildings and for acquiring, bettering, furnishing, or equipping school buildings under contracts to be entered into within 12 months from and after the date on which each loan is

granted. Applications with the accompanying data specified in subdivision 2 shall be filed between October 1 of any year and June 1 next following. No application shall be approved unless the state board of education certifies that the loan is needed to replace facilities dangerous to the health and safety of pupils, or to provide for pupils for whom no adequate facilities exist; that ~~such~~ *those* facilities could not be made available by consolidating the district with an adjacent district without substantially lowering the fiscal capacity of that district or so increasing its area that it would no longer be viable; and that existing institutions or facilities within the area could not be acquired or leased to provide the needed facilities safely and at a lower cost. *The preference of the school district regarding consolidation shall not be a criteria used by the board in determining whether consolidation is feasible.* The state board shall make recommendations *for the approval or denial of a loan* to the ~~committee~~ *commissioner*. No loan shall be approved for any district exceeding an amount computed as follows:

(1) The amount voted by the district under subdivision 2;

(2) Plus the aggregate principal amount of general obligation bonds of the district outstanding on the date of approval, not exceeding the limitation on net debt of the district in section 475.53, subdivision 4, or 22.5 percent of the adjusted assessed value, whichever is less;

(3) Less the maximum net debt permissible for the district on the date of approval, under the limitation in section 475.53, subdivision 4, or 22.5 percent of the adjusted assessed value, whichever is less; and

(4) Less any amount by which the amount voted exceeds the total cost of the facilities for which the loan is granted, as estimated in accordance with subdivision 4, provided that the loan may be approved in an amount computed as provided in clauses (1) to (3), subject to subsequent reduction in accordance with this clause."

Page 1, line 20, delete "*equalization aid review committee*" and insert "*commissioner*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "amending Minnesota Statutes 1980, Section 124.43, Subdivision 1;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

H. F. No. 3: A bill for an act relating to community social services; defining groups of persons for whom counties are responsible; establishing certain funding levels; clarifying sections of the community social services act; amending Minnesota Statutes 1980, Sections 245.64; 245.66; 245.84, Subdivisions 2 and 5; 252.21; 252.24, Subdivisions 1, 3 and 4; 252.27, Subdivisions 1 and 2; 254A.03, Subdivision 1; 254A.05, Subdivision 1; 254A.07, Subdivision 2; 254A.08, Subdivision 1; 256E.03, Subdivision 2; 256E.04, Subdivision 1; 256E.05, Subdivisions 2 and 3; 256E.06, Subdivisions 1, 2, 4,

and 5; 256E.07, Subdivision 2; 256E.08, Subdivisions 1, 7 and 9; 256E.09, Subdivisions 1, 3, and by adding a subdivision; 256E.10; and 256E.12, Subdivision 3; repealing Minnesota Statutes 1980, Sections 245.67; 245.68; 245.72; 252.26; 256E.06, Subdivision 11; and 261.27.

Reports the same back with the recommendation that the bill be amended as follows:

Page 7, line 8, delete everything after the colon

Page 7, delete line 9

Page 7, line 10, delete everything before "*community*"

Pages 7 and 8, delete section 7

Page 8, line 10, after "tax" insert "*for community social services*"

Page 8, line 11, strike "subdivision 1" and insert " *subdivisions 1 and 2. Money for community social services provided to a county by a municipal levy may, for the purposes of this section, be counted as partial fulfillment of the local levy requirement*"

Page 8, line 19, delete "*department*" and insert " *commissioner*"

Page 9, line 15, delete "*department*" and insert " *commissioner*"

Page 10, line 3, delete "*persons whose*" and delete "*is at*"

Page 10, line 4, delete "*risk*"

Page 10, lines 27, 29 and 30, delete "*settlement*" and insert "*residence*"

Page 10, line 27, after the period, insert "*Disputes concerning the county of financial responsibility shall be settled in the manner prescribed in section 256D.18, subdivision 4.*"

Page 11, line 30, after "*responsibilities*" insert " *identified*"

Page 16, line 14, delete the second "*of*" and insert "*on*"

Page 17, line 35, before "GRANTS" insert a comma

Page 19, lines 33 to 36, reinstate the stricken language

Page 20, lines 1 to 4, reinstate the stricken language

Page 20, line 14, reinstate the stricken language

Page 20, line 15, reinstate the stricken "the child"

Page 20, line 22, reinstate the stricken language and delete "*county board*"

Page 21, line 12, before the semicolon, insert ". *The commissioner may require information from comprehensive programs about the efficiency, effectiveness and costs of prevention, treatment, and rehabilitation programs, including but not limited to programs approved by the commissioner of public welfare, the commissioner of health, or the joint commission on accreditation of hospitals*"

Page 21, line 27, after "individuals" insert a comma

Page 22, line 20, after "*contracts*" insert a comma

Page 23, line 14, delete "*Subdivision*" and insert " *Subdivisions 4 and*"

Page 23, line 16, delete "*This act is*" and insert "*Sections 1 to 19 and 21 to 32 are*" and delete "*except that*" and insert a period

Page 23, line 23, delete "*sections 1 to 3*" and insert "*section 20*"

Page 23, line 24, delete "*1*" and insert "*20*"

Page 23, line 25, before the period, insert "*1*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 13, delete "4,"

Page 1, line 18, delete "Subdivision" and insert "Subdivisions 4 and"

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. 1055: A bill for an act relating to state trails; authorizing the sale of certain lands acquired for the Luce Line Trail.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 21, delete "*and*"

Page 1, delete lines 22 and 23 and insert "*provided that no parcel shall include lands in more than one county.*

Sec. 2. [SALE OF CERTAIN TRAIL LANDS.]

The commissioner of natural resources may, in the manner provided by law for the sale of trust fund lands, sell at public auction the lands and interest in lands consisting of the abandoned railway line in Mower, Olmsted and Fillmore counties which were acquired by the state in 1978 from the Chicago North Western Transportation Company which lie along the north right-of-way line of U.S. highways 16/63 near the city of Spring Valley in Fillmore County to the city of Stewartville in Olmsted County, excepting from sale: (a) those lands and interests in lands needed by the department of transportation for highway 63 improvements near Racine, in Mower County, those lands being a strip of land a maximum of 25 feet in width being the westerly 25 feet of the railroad right-of-way in the SW 1/4 of the NW 1/4 and the W 1/2 of the SW 1/4 of Section 14; the E 1/2 of the SE 1/4 and SE 1/4 of the NE 1/4 of Section 15; the E 1/2 of the NE 1/4 and the E 1/2 of the SE 1/4 of Section 22; the W 1/2 of the NW 1/4 of Section 23; the NE 1/4 of the NE 1/4 of Section 27; the W 1/2 of the SW 1/4 and the W 1/2 of the NW 1/4 of Section 26; and the E 1/2 of the SW 1/4, the E 1/2 of the NW 1/4 and the NW 1/4 of the NW 1/4 of Section 35; Township 104N, Range 14W; and (b) that part of the railroad right of way located in the W 1/2 of the NW 1/4 of Section 23 and in the E 1/2 of the NE 1/4 of Section 22, Township 104N, Range 14W in Mower County, but not including the westerly 25 feet of the right-of-way needed by the department of transportation. The commissioner may subdivide the lands and interest in lands into smaller parcels for the purpose of this sale.

Sec. 3. [CONVEYANCE OF RIGHT-OF-WAY.]

The commissioner of natural resources, in the name of the state, may convey to adjoining property owners by quitclaim deed, at not less than the appraised value, the following described real property when the state's title has been clarified either through litigation or land exchange:

A strip of land 100 feet in width extending over and across Government Lots Four (4) and Five (5), the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) and the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section Nine (9); Government Lots One (1), Two (2), Three (3), Four (4) and Five (5) and the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section Sixteen (16); Government Lots One (1) and Two (2) and the Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) of Section Twenty (20); Government Lot One (1), of Section Twenty-one (21); said strip of land being 50 feet in width on each side of the center line of the main track, now removed, of the former Saint Paul, Minneapolis and Manitoba Railway Company, now Burlington Northern Incorporated, as originally located and established over and across said Sections Nine (9), Sixteen (16), Twenty (20) and Twenty-one (21), Township One Hundred Forty-three (143) North, Range Thirty-one (31) West.

The deed shall be in a form approved by the attorney general.

Sec. 4. [EFFECTIVE DATE.]

This act is effective the day following its final enactment.''

Amend the title as follows:

Page 1, line 2, delete ''sale'' and insert ''conveyance''

Page 1, line 3, delete ''for the Luce Line Trail'' and insert ''by the department of natural resources for trail purposes''

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

H. F. No. 182: A bill for an act relating to commerce; revising the small loan act; increasing the loan amount which determines the necessity of obtaining a license; increasing the amount of liquid assets which must be maintained by a licensee; allowing certain purchasers of accounts to obtain a license; providing for the regulation of closings of licensees on holidays and weekends; providing for examinations at the commissioner's discretion; allowing the use of certain mechanical or electronic data processing methods to be used as books of account; allowing alternative compliance on certain rates of charge statements; allowing certain loans to be secured by real estate; restating maximum rates and charges; regulating licensee provisions concerning certain insurance in connection with loans made; allowing industrial loan and thrifts to make secured or unsecured loans on the terms, rates, and conditions permitted licensees; providing remedies; defining terms; providing for miscellaneous clarifications and revisions; amending Minnesota Statutes 1980, Sections 53.04, by adding a subdivision; 56.01; 56.02; 56.04; 56.07; 56.09; 56.10; 56.11; 56.12; 56.14; 56.15, Subdivision 1; 56.16; 56.17; 56.18; 56.19; 56.26; 334.02; 334.03; and proposing new law coded in Minnesota Statutes, Chapter 56; repealing Minnesota Statutes 1980, Sections 53.04, Subdivisions 3, 4, 6, and 7; 53.051; 56.06; 56.13; 56.15, Subdivision 2; and 56.20.

Reports the same back with the recommendation that the bill be amended as follows:

Page 10, line 16, delete "*$2,000*" and insert "*$3,000*"

Page 10, line 18, after "*loan*" insert "*secured by a first lien on a borrower's primary residence*"

Page 10, line 20, delete "*a*" and insert "*the*"

Page 10, line 21, delete everything after "*home*"

Page 10, line 22, delete "*primary residence*"

Page 10, line 22, after the period, insert "*If the proceeds of the loan are used to finance the purchase of the borrower's primary residence, the licensee shall consent to the subsequent transfer of the real estate if the existing borrower continues after transfer to be obligated for repayment of the entire remaining indebtedness. The licensee shall release the existing borrower from all obligations under the loan instruments, if the transferee (1) meets the standards of credit worthiness normally used by persons in the business of making loans, including but not limited to the ability of the transferee to make the loan payments and satisfactorily maintain the property used as collateral, and (2) executes an agreement in writing with the licensee whereby the transferee assumes the obligations of the existing borrower under the loan instruments. Any such agreement shall not affect the priority, validity or enforceability of any loan instrument. A licensee may charge a fee not in excess of one-tenth of one percent of the remaining unpaid principal balance in the event the loan is assumed by the transferee and the existing borrower continues after the transfer to be obligated for repayment of the entire assumed indebtedness. A licensee may charge a fee not in excess of one percent of the remaining unpaid principal balance in the event the remaining indebtedness is assumed by the transferee and the existing borrower is released from all obligations under the loan instruments, but in no event shall the fee exceed $150.*"

Page 14, line 21, delete "*reasonable*"

Page 14, delete line 22

Page 14, line 23, delete everything before "*actual*"

Page 15, line 11, delete "*and*" and insert a comma

Page 15, line 11, after "*56.01*" insert "*and section 56.12*"

Page 15. line 13, delete "*consumer price index for urban wage*" and insert "*implicit price deflator for the gross national product, 1972 = 100, compiled by the United States Department of Commerce*"

Page 15, delete lines 14 and 15

Page 15, line 16, delete everything before the comma

Page 15, line 36, delete "*Bureau of Labor Statistics*" and insert "*Department of Commerce*"

Page 16, line 2, delete "*Bureau of Labor Statistics*" and insert "*Department of Commerce*"

Page 16, after line 18, insert:

"*Subd. 5.* [ATTORNEY'S FEES.] *No term of writing may provide for the payment by the debtor of attorney's fees.*"

Page 18, line 23, after "*section*" insert "*and chapter 62B*"

Page 19, after line 7, insert:

"*Maximum premiums shall be based upon a ratio of losses to premiums which is reasonable and which protects debtors against excessive premium charges as determined by the commissioner of insurance. The benefits provided by any policy governed by this section shall be presumed reasonable in relation to the premium charged or to be charged if the ratio of losses incurred to premiums earned is 60 percent or more. If the ratio of losses incurred to premiums earned is less or can reasonably be expected to be less than 60 percent, the benefits provided shall be presumed unreasonable in relation to the premium charged. Determination of a reasonable relation of benefits to premiums shall be made for each policy form filed for approval.*"

Page 23, line 8, delete "*usurious transaction occurred*" and insert "*person paying the usurious rate becomes aware that the transaction was usurious*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

H. F. No. 188: A bill for an act relating to financial institutions; increasing the maximum lawful interest rate chargeable by state banks and savings banks on certain transactions; amending Minnesota Statutes 1980, Section 48.195.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, strike "STATE"

Page 1, line 19, after "2." insert "Minnesota Statutes 1980, Section 48.185, is amended by adding a subdivision to read:

Subd. 3a."

Amend the title as follows:

Page 1, line 3, delete "state"

Page 1, line 4, after the semicolon, insert "requiring disclosure of the right to prepay overdraft checking loan balances;

Page 1, line 5, delete "Section" and insert "Sections 48.185, by adding a subdivision; and"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 1084: A bill for an act relating to intoxicating liquor; hours for Sunday sale; amending Minnesota Statutes 1980, Section 340.14, Subdivision 5.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 15, reinstate the stricken "12" and delete "*10*"

Page 1, line 16, reinstate the stricken "noon" and delete "*a.m.*"

Page 1, line 17, after the period, insert "*If the governing body of the municipality issuing the license adopts an ordinance authorizing an earlier sale, the licensees may serve intoxicating liquors between the hours of 10 o'clock a.m. and 12 o'clock midnight on Sundays in conjunction with the serving of food.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 477: A bill for an act relating to commerce; increasing the amount of the surety bond required of collection agencies; authorizing the commissioner of securities and real estate to investigate and examine certain collection agencies; broadening the classification of prohibited practices; amending Minnesota Statutes 1980, Sections 332.34; 332.37; and 332.40.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 17, delete "*$25,000*" and insert "*$10,000 effective July 1, 1982, and $20,000 effective July 1, 1983. An applicant for a new or renewal license may request that the amount of the bond hereby required be reduced to an amount which shall be not less than $5,000. This request may be granted upon a showing that the total dollar amount received from debtors by the collection agency in the preceding fiscal year did not exceed $30,000*"

Page 1, line 25, strike "justices of the peace,"

Page 3, line 30, delete "*make*" and insert "*investigate*"

Page 3, line 31, delete "*public or private investigation*"

Page 4, line 11, after the period, insert "*The subpoena shall contain a written statement setting forth the circumstances which have reasonably caused the commissioner to believe that a violation of sections 332.31 to 332.45 may have occurred.*"

Page 4, delete subdivision 4

Renumber the subdivisions in sequence

Page 4, delete section 4

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 1252: A bill for an act relating to insurance; removing insurance solicitors from insurance licensing provisions; prescribing certain fees; providing for licensing of certain legal entities as agents; providing for the licensing of other insurance agents; providing for examinations; providing exceptions to the licensing requirements; authorizing temporary licenses; providing for appointment of agents by insurers; prohibiting certain persons from obtaining an agent's license; providing for the revocation or suspension of li-

censes upon specified conditions; providing for the surrender, loss, or destruction of licenses; prescribing certain powers of the commissioner; authorizing the sale of contracts on a variable basis without licensure in certain circumstances; authorizing the commissioner to promulgate rules; prescribing penalties; amending Minnesota Statutes 1980, Sections 60A.02, Subdivision 7; 60A.14, Subdivision 1; 60A.17, Subdivisions 1, 3, 5, 6, 10, 12, and 13, and by adding subdivisions; repealing Minnesota Statutes 1980, Sections 60A.02, Subdivision 8; and 60A.17, Subdivisions 2, 2a, 2b, 4, 5a, 6a, 7, and 9.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 8, strike "(1)" and insert "*(a)*"

Page 2, line 9, strike "(a)" and insert "*(1)*"

Page 2, line 11, strike "(b)" and insert "*(2)*"

Page 2, line 12, strike "(c)" and insert "*(3)*"

Page 2, line 13, strike "(d)" and insert "*(4)*"

Page 2, line 14, strike "(2)" and insert "*(b)*"

Page 2, line 16, strike "(a)" and insert "*(1)*"

Page 2, line 18, strike "(b)" and insert "*(2)*"

Page 2, line 19, strike "(c)" and insert "*(3)*"

Page 2, line 21, strike "(d)" and insert "*(4)*"

Page 2, line 22, strike "(e)" and insert "*(5)*"

Page 2, line 24, strike "(3)" and insert "*(c)*"

Page 2, line 25, strike "(a)" and insert "*(1)*"

Page 2, line 28, strike "(b)" and insert "*(2)*"

Page 2, line 30, strike "(c)" and insert "*(3)*"

Page 2, line 32, strike "(d)" and insert "*(4)*"

Page 3, line 3, strike "(e)" and insert "*(5)*"

Page 3, line 11, strike "(f)" and insert "*(6)*"

Page 3, line 14, strike "(g)" and insert "*(7)*"

Page 3, line 16, strike "(h)" and insert "*(8)*"

Page 3, line 21, strike "(i)" and insert "*(9)*"

Page 3, line 23, delete "*by an*" and insert "*, a domestic*"

Page 3, line 24, reinstate the stricken language before the semicolon

Page 3, line 24, after "$5" insert "*annually*"

Page 3, line 26, delete the comma

Page 3, line 27, delete "*$15*" and insert "*annually*"

Page 3, line 30, delete "*(1)*" and insert "*(a)*"

Page 4, line 7, delete "*(a)*" and insert "*(1)*"

Page 4, line 8, delete "*(b)*" and insert "*(2)*"

Page 5, line 5, delete "*(2)*" and insert "*(b)*"

Page 5, line 17, delete "*(3)*" and insert "*(c)*"

Page 5, line 17, delete "*(a)*" and insert "*(1)*"

Page 5, line 17, delete "*licensed*" and insert "*qualified*"

Page 5, line 18, delete "*August*" and insert "*June*"

Page 5, line 19, before the period insert "*and been appointed by an insurer which has submitted a written requisition for a license for that agent as of June 1, 1981*"

Page 5, line 20, delete "*(b)*" and insert "*(2)*"

Page 5, line 20, delete "*licensed*" and insert "*qualified*"

Page 5, line 22, delete "*August*" and insert "*June*"

Page 5, line 23, before the period insert "*and been appointed by any insurer which has submitted a written requisition for a license for that agent as of June 1, 1981*"

Page 5, line 26, delete "*(1)*" and insert "*(a)*"

Page 5, line 31, delete "*clause (3)(h)*" and insert " *paragraph (c), clause (8)*"

Page 6, line 4, delete "*clause (3)(i)*" and insert " *paragraph (c), clause (9)*"

Page 6, line 13, delete "*(2)*" and insert "*(b)*"

Page 6, line 16, delete "*(a)*" and insert "*(1)*"

Page 6, line 32, delete "*(b)*" and insert "*(2)*"

Page 7, line 1, delete "*(c)*" and insert "*(3)*"

Page 7, after line 6, insert:

"*(4) The examination shall be given only after the applicant has completed a program of studies in a school, which shall include a school conducted by an admitted insurer, a correspondence course given by an admitted insurer, or other course of study. The course of study shall consist of the equivalent of 45 hours study for each line for which a license application is made. After January 1, 1982, the program of studies or study course shall have been approved by the commissioner in order to qualify under this clause. If the applicant has been previously licensed for the particular line of insurance in the state of Minnesota, the requirement of a program of studies or a study course shall be waived. A certification of compliance by an admitted insurer shall accompany the agent's license application. This program of studies in a school or a study course shall not apply to farm property perils and farm liability applicants, or to agents writing such other lines of insurance as the commissioner may exempt from examination by directive;*"

Page 7, line 7, delete "*(d)*" and insert "*(5)*"

Page 7, line 11, delete "*both*" and delete "*and the appointing insurer*"

Page 7, line 13, delete "*(e)*" and insert "*(6)*"

Page 7, line 16, delete "*(f)*" and insert "*(7)*"

Page 7, line 23, delete "*(3)*" and insert "*(c)*"

Page 7, line 26, delete "*(a)*" and insert "*(1)*"

Page 7, line 31, delete "*(b)*" and insert "*(2)*"

Page 8, line 10, delete "*clause (3)(d)*" and insert " *paragraph (c), clause (4)*"

Page 8, line 14, delete "*(c)*" and insert "*(3)*"

Page 8, line 18, delete "*(4)*" and insert "*(d)*"

Page 8, line 18, delete "*(a)*" and insert "*(1)*"

Page 8, line 26, delete "*(b)*" and insert "*(2)*"

Page 8, line 29, delete "*(c)*" and insert "*(3)*"

Page 8, line 34, delete "*(5)*" and insert "*(e)*"

Page 9, line 6, delete "*clause (3)(c)*" and insert " *paragraph (c), clause (3)*"

Page 9, line 8, delete "*business*"

Page 9, line 10, delete "*(6)*" and insert "*(f)*"

Page 9, line 20, delete "*clause (3)(i)*" and insert " *paragraph (c), clause (9)*"

Page 9, line 22, delete "*(7)*" and insert "*(g)*"

Page 9, line 29, delete "*clause (3)(g)*" and insert " *paragraph (c), clause (7)*"

Page 9, line 33, delete "*(8)*" and insert "*(h)*"

Page 9, line 35, delete "*(a)*" and insert "*(1)*"

Page 10, line 1, delete "*(b)*" and insert "*(2)*"

Page 10, line 3, delete "*(c)*" and insert "*(3)*"

Page 10, line 4, delete "*who acts*" and insert "*, without license or other qualification, may act*"

Page 10, line 5, after "*insurance*" insert "*for that insurer; provided that*"

Page 10, line 5, delete "*participates*" and insert "*must participate*"

Page 10, line 6, delete "*the*" and insert "*any such*"

Page 10, line 7, delete "*(d)*" and insert "*(4)*"

Page 10, line 17, delete "*(e)*" and insert "*(5)*"

Page 10, line 20, delete "*(f)*" and insert "*(6)*"

Page 14, line 35, delete "*until voluntarily terminated*" and insert "*for one year unless sooner terminated voluntarily*"

Page 14, line 36, delete "*until*"

Page 15, line 1, after "*terminated*" insert "*during the appointment year*"

Page 15, lines 13, 18 and 22, delete "*information,*"

Page 15, delete line 26

Page 15, line 27, delete "*revocation,*"

Page 16, after line 28, insert:

"Sec. 13. Minnesota Statutes 1980, Section 60A.17, is amended by adding a subdivision to read:

Subd. 6b. [FEES FOR SERVICES.] *No person shall charge a fee for any services rendered in connection with the solicitation, negotiation or servicing of any insurance contract unless:*

(a) prior to rendering the services, a written statement is provided disclosing:

(1) the services for which fees are charged;

(2) the amount of the fees;

(3) that the fees are charged in addition to premiums; and

(4) that premiums include a commission;

(b) all fees charged are reasonable in relation to the services rendered."

Page 16, line 31, delete "*6b*" and insert "*6c*"

Page 17, line 28, delete "*or*"

Page 17, line 30, delete the period and insert "*; or*"

Page 17, after line 30, insert:

"*(12) That the licensee has violated subdivision 6b.*"

Page 18, line 1, delete "*clause*" and insert "*paragraph*"

Page 21, line 1, strike "(1)" and insert "*(a)*"

Page 21, line 18, strike "(2)" and insert "*(b)*"

Page 21, line 18, strike "(a)" and insert "*(1)*"

Page 21, line 22, strike "(b)" and insert "*(2)*"

Page 21, line 30, strike "clause (1)" and insert "*paragraph (a)*"

Page 21, line 31, delete "*(c)*" and insert "*(3)*"

Page 22, line 1, strike "(3)" and insert "*(c)*"

Renumber the sections in sequence

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 908: A bill for an act relating to insurance; providing for a program of continuing education; establishing a continuing insurance education advi-

sory committee; authorizing the commissioner of insurance to promulgate rules to implement the program; proposing new law coded in Minnesota Statutes, Chapter 60A.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, delete "*resident*" and after "*licensed*" insert "*by this state*"

Page 1, line 16, delete "*(1)*" and insert "*(a)*"

Page 1, line 18, delete "*(2)*" and insert "*(b)*"

Page 1, line 19, delete "*(3)*" and insert "*(c)*"

Page 1, line 20, delete "*(4)*" and insert "*(d)*"

Page 1, line 24, delete "*May 31, 1983*" and insert "*January 1, 1984*"

Page 1, line 26, delete "*(1)*" and insert "*(a)*"

Page 2, line 2, delete "*(2)*" and insert "*(b)*"

Page 2, line 4, delete "*or*"

Page 2, line 5, delete "*(3)*" and insert "*(c)*"

Page 2, line 6, delete the period and insert "*;*

(d) Persons holding non-resident licenses issued by this state unless continuing education requirements are imposed on Minnesota resident license holders by the non-resident licensee's state of resident licensing; or

(e) Persons holding life and health licenses who, by February 28 of each year, certify to the commissioner in writing that they shall sell only credit life and health insurance during that year and do in fact so limit their sale of insurance."

Page 2, line 12, delete "*not*"

Page 2, line 12, delete "*either*"

Page 2, line 12, after "*persons*" insert "*neither*"

Page 2, line 12, delete "*or*" and insert "*nor*"

Page 2, line 13, delete "*persons*"

Page 2, line 14, after "*chairperson*" insert "*and shall be compensated according to section 15.059, subdivision 3*"

Page 3, line 4, before "*members*" insert "*non-public*"

Page 3, line 10, delete "*courses, programs*" and insert " *each course, program*"

Page 3, line 11, delete "*seminars*" and insert "*seminar*"

Page 3, line 25, after the period, insert "*The commissioner shall work with the commissioner of education in developing new programs of instruction and coordinate offerings throughout the state school districts continuing and adult education systems and facilities.*"

Page 4, line 1, after the period, insert "*Credit hours over 20 earned in any*

one year may be carried forward for the following two years.''

Page 4, line 5, before ''*(1)*'' insert ''*(a)*''

Page 4, line 10, after the period, insert ''*As of the day the licensed person properly files a request for waiver or extension, the license shall remain in effect until the commissioner notifies the licensed person of the commissioner's decision. The commissioner may approve a waiver or extension subject to any reasonable conditions. The person's license shall remain in effect during the period of compliance determined by the commissioner. If the licensed person fails to comply with any reasonable conditions imposed by the commissioner, the commissioner shall terminate the license. If the request for waiver or extension is denied by the commissioner, the licensed person shall have a reasonable time determined by the commissioner within which to satisfy the continuing education requirements involved in the request for waiver or extension. During the compliance period the commissioner shall place a restricted status on the person's license. If the continuing education requirements are satisfied within the compliance period, as evidenced by the filing of a compliance report, the commissioner shall remove the restricted status from the person's license. If the continuing education requirements are not satisfied within the compliance period, the commissioner shall terminate the person's license. (2)*''

Page 4, delete lines 15 to 17 and insert:

''*(b) A licensed person who ceases actively soliciting and selling insurance due to disability or retirement may request a restricted status license in the manner prescribed by the commissioner. The commissioner may require a licensed person who requests a restricted status license to submit information substantiating the disability or retirement. A*''

Page 4, line 20, delete ''*had*'' and insert ''*has*''

Page 4, line 20, delete ''*client-licensed*'' and insert '' *licensed*''

Page 4, line 20, delete ''*agent*'' and insert ''*agent-client*''

Page 4, line 20, delete the comma and insert a period

Page 4, delete line 21 and insert ''*A person holding a restricted status license shall not*''

Page 4, line 22, after ''*business*'' insert ''*to other than previously developed clients*''

Page 4, line 24, delete ''*A licensed*''

Page 4, delete lines 25 to 28

Page 5, line 1, delete ''*(1)*'' and insert ''*(a)*''

Page 5, line 9, delete ''*fee*'' and insert ''*cashier's check or money order in the amount*''

Page 5, line 11, delete ''*(2)*'' and insert ''*(b)*''

Page 5, line 15, delete ''*(3)*'' and insert ''*(c)*''

Page 5, line 16, delete ''*shall*'' and insert ''*may*'' and after ''*commissioner*'' insert '', *at the commissioner's discretion,*''.

Page 5, line 19, delete "*(4)*" and insert "*(d)*"

Page 5, line 36, after "*employees*" insert "*of the commerce department*"

Page 6, after line 17, insert:

"Sec. 2. Minnesota Statutes 1980, Section 62B.06, Subdivision 2, is amended to read:

Subd. 2. Each individual policy or group certificate of credit life insurance, or credit accident and health insurance shall, in addition to other requirements of law, set forth the name and home office address of the insurer, the name or names of the debtor or in the case of a certificate under a group policy, the identity by name or otherwise of the debtor, the rate or amount of payment, if any, by the debtor separately for credit life insurance and credit accident and health insurance, a description of the amount, term and coverage including any exceptions, limitations and restrictions, and shall state that the benefits shall be paid to the creditor to reduce or extinguish the unpaid indebtedness and, wherever the amount of insurance may exceed the unpaid indebtedness, that any such excess shall be payable to a beneficiary, other than the creditor, named by the debtor or to his estate, *and shall also have printed thereon in not less than 10 point type, the following:*

"Minnesota Statutes 1980, Section 62B.11 provides:

When credit life insurance or credit accident and health insurance is required as additional security for any indebtedness, the debtor shall, upon request to the creditor, have the option of furnishing the required amount of insurance through existing policies of insurance owned or controlled by him or of procuring and furnishing the required coverage through any insurer authorized to transact an insurance business within this state.

This is the law. If you have questions about this law, contact the insurance division of the Minnesota department of commerce."

No individual or group policy of credit accident and health insurance issued, amended, renewed, or delivered in this state on or after January 1, 1976 shall contain any provision offsetting, or in any other manner reducing any benefit under the policy by the amount of, or in proportion to, any increase in disability benefits received or receivable under the federal Social Security Act, as amended subsequent to the date of commencement of such benefit.

Sec. 3. Minnesota Statutes 1980, Section 62B.06, Subdivision 3, is amended to read:

Subd. 3. The individual policy or group certificate of insurance *and the disclosure provided in subdivision 6* shall be delivered to the insured debtor at the time the indebtedness is incurred except as hereinafter provided.

Sec. 4. Minnesota Statutes 1980, Section 62B.06, Subdivision 4, is amended to read:

Subd. 4. If the individual policy or group certificate of insurance is not delivered to the debtor at the time the indebtedness is incurred, a copy of the application for the policy or a notice of proposed insurance, signed by the debtor and setting forth the name and home office address of the insurer, the name or names of the debtor, the premium or amount of payment by the debtor, if any, separately for credit life insurance and credit accident and health

insurance, the amount, term, ~~and~~ a brief description of the coverage provided, *in not less than 10 point type, the following:*

"Minnesota Statutes 1980, Section 62B.11 provides:

When credit life insurance or credit accident and health insurance is required as additional security for any indebtedness, the debtor shall, upon request to the creditor, have the option of furnishing the required amount of insurance through existing policies of insurance owned or controlled by him or of procuring and furnishing the required coverage through any insurer authorized to transact an insurance business within this state.

This is the law. If you have questions about this law, contact the insurance division of the Minnesota department of commerce."

and the disclosure required by subdivision 6 shall be delivered to the debtor at the time the indebtedness is incurred. The copy of the application for, or notice of proposed insurance, shall also refer exclusively to insurance coverage, and shall be separate and apart from the loan, sale or other credit statement of account, instrument or agreement, unless the information required by this subdivision is prominently set forth therein. Upon acceptance of the insurance by the insurer and within 30 days of the date on which the indebtedness is incurred, the insurer shall cause the individual policy or group certificate of insurance to be delivered to the debtor. The application or notice of proposed insurance shall state that upon acceptance by the insurer, the insurance shall become effective as provided in section 62B.05. If an application for a policy or a notice of proposed insurance is not delivered at the time the indebtedness is incurred as required by this subdivision, the creditor shall assume all of the liabilities under such insurance until an insurer accepts the risk.

Sec. 5. Minnesota Statutes 1980, Section 62B.06, is amended by adding a subdivision to read:

Subd. 6. A written disclosure of the actual loss ratio of a policy shall be provided pursuant to subdivisions 3 and 4. For the purposes of this subdivision, "actual loss ratio" means the actual loss ratio experienced by the insurer during the previous calendar year."

Page 6, line 18, delete "2" and insert "6"

Page 6, line 19, after "*6*" insert ", *10*"

Page 6, line 20, after "*7*" delete the comma and insert "*and*"

Page 6, line 20, delete ", *and 10*"

Page 6, line 21, delete "*1982*" and insert "*1983*"

Page 6, line 22, after the period, insert "*Sections 2, 3, 4, and 5 are effective August 1, 1981.*"

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "requiring certain disclosures on credit insurance policies and applications; amending Minnesota Statutes 1980, Section 62B.06, Subdivisions 2, 3 and 4, and by adding a subdivision;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

H. F. No. 473: A bill for an act relating to energy; establishing rates and conditions of service for cogenerators and small power producers; proposing new law coded in Minnesota Statutes, Chapter 216B.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, before "*This*" insert "*The purpose of*"

Page 1, line 10, delete "*shall at*" and insert "*is to*"

Page 1, delete line 11

Page 1, line 12, delete "*maximum possible encouragement to*" and insert "*encourage*"

Page 1, line 13, delete "*consistent with protection of the long range*" and insert a period

Page 1, delete line 14

Page 1, line 25, delete "*20*" and insert "*100*"

Page 2, lines 1, 3, and 11, delete "*net*"

Page 2, line 5, delete "*calculated using the rate schedule that would apply to*" and insert "*at a per kilowatt hour rate set by the commission*"

Page 2, delete line 6

Page 2, line 7, delete "*energy less 40 percent*"

Page 2, lines 14 and 18, delete "*20*" and insert "*100*"

Page 2, line 32, after "*charges*" insert "*and line losses*"

Page 3, after line 14, insert:

"*Subd. 8.* [CUSTOMER, INTERCONNECTION AND WHEELING CHARGES.] *Nothing contained in this section shall be construed to excuse the qualifying facility from any obligation for costs of interconnection and wheeling in excess of those normally incurred by the utility for customers with similar load characteristics who are not cogenerators or small power producers, or from any fixed charges normally assessed such non-generating customers.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson from the Committee on Taxes and Tax Laws, to which was re-referred

S. F. No. 1079: A bill for an act relating to retirement; providing for an exemption from membership therein for city managers; modifying the income taxation of deferred compensation contributions by certain city managers; amending Minnesota Statutes 1980, Section 290.01, Subdivision 20; proposing new law coded in Minnesota Statutes, Chapter 353.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Johnson from the Committee on Taxes and Tax Laws, to which was

re-referred

S. F. No. 746: A bill for an act relating to the Greenway joint recreation board; regulating its tax levies.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 18, after "*towns*" insert "*other than for the support of the joint recreation board*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson from the Committee on Taxes and Tax Laws, to which was re-referred

S. F. No. 1262: A bill for an act relating to the Coon Creek watershed district; authorizing an annual administrative levy by the district.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Johnson from the Committee on Taxes and Tax Laws, to which was referred

H. F. No. 142: A bill for an act relating to taxation; real property; extending 3 classification to certain property used for recreational purposes; amending Minnesota Statutes 1980, Section 273.13, Subdivision 4.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Johnson from the Committee on Taxes and Tax Laws, to which was referred

S. F. No. 1323: A bill for an act relating to local government; Lake County, Independent School District No. 381, and the town of Beaver Bay; providing for the valuation and assessment for property taxes of certain unique mining property.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 1, after "*date*" insert "*in lieu of the market value prescribed by section 273.11, subdivision 1,*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which were referred

H. F. Nos. 1344, 192, 25, 732, 697, 582 for comparison with companion Senate Files, reports the following House Files were found not identical with their companion Senate Files 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.
1344	861				
192	413				
25	1335				
732	1075				
697	733				
582	285				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 1344 be amended as follows:

Page 1, line 18, delete "*who is*"

Page 1, line 19, delete "*21 or who has graduated from high school*" and insert "*16*"

Page 1, line 23, delete the comma after "*students*" and after "*regular*" insert "*secondary*"

Page 1, after line 27, insert

"*(b) residency in Minnesota;*"

Page 1, line 28, delete "*(b)*" and insert "*(c)*"

Page 1, line 29, delete "*(c) for a person over the age of 21,*" and insert "*(d)*"

Page 2, line 32, strike everything after the period

Page 2, strike lines 33 to 35

And when so amended H. F. No. 1344 will be identical to S.F. No. 861, and further recommends that H. F. No. 1344 be given its second reading and substituted for S. F. No. 861, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 192 be amended as follows:

Page 3, line 18, insert a comma after "*begin*"

And when so amended H. F. No. 192 will be identical to S. F.No. 413, and further recommends that H. F. No. 192 be given its second reading and substituted for S. F. No. 413, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 25 be amended as follows:

Page 1, line 10, delete "Section 1." and insert "Sec. 2."

Page 1, line 15, strike "such" and insert "*the*" and strike "in such"

Page 1, line 16, strike "the judges may" and insert "*they*" and strike "so"

Page 1, line 19, strike "any" and insert "*all*"

Page 1, line 20, strike "whatever the grounds may be" and after "and" strike "shall"

Page 1, line 21, strike ", but" and insert ". *However,*"

Page 1, line 22, after "upon" strike "such" and after "sign" strike "such"

Page 2, line 6, after "~~$75~~" insert "*an amount*" and after "day" delete "*an amount*"

Page 2, line 10, delete "Sec. 2." and insert "Section 1."

Page 2, line 17, delete "*such*" and insert "*any*"

Put sections in correct order

Amend the title as follows:

Page 1, line 2, delete "changing the compensation of" and insert "providing for the establishment of misdemeanor violation bureaus for Hennepin county; changing the compensation of Hennepin County conciliation court referees;"

Page 1, delete lines 3 and 4

Page 1, line 5, delete "for Hennepin County;"

And when so amended H. F. No. 25 will be identical to S. F. No. 1335, and further recommends that H. F. No. 25 be given its second reading and substituted for S. F. No. 1335, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 732 be amended as follows:

Page 1, delete lines 13 to 24 and insert:

"*Subd. 2.* [CONTINUATION OF TENANCY.] *Upon the death of a life tenant, a farm tenancy granted by the life tenant shall continue until the earlier of the following March 1, the completion of harvest, or the expiration of the lease by its terms. If a life tenant dies between November 1 and the following March 1, the farm tenancy shall continue for the following crop year and shall terminate on the earlier of the March 1 following that crop year, the completion of harvest, or the expiration of the lease by its terms. However, if the lease is binding upon the remainderman by specific commitment of the remainderman, the lease shall terminate as provided by that commitment.*"

Page 1, line 25, delete "*The holder of the interest*" and insert "*A remainderman*"

Page 2, line 1, delete "*succeeding a life estate*"

Page 2, after line 7, insert:

"Sec. 2. [EFFECTIVE DATE.]

This act is effective for leases entered into after November 1, 1982."

And when so amended H. F. No. 732 will be identical to S. F. No. 1075, and further recommends that H. F. No. 732 be given its second reading and substituted for S. F. No. 1075, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 697 be amended as follows:

Page 1, lines 20 and 21, delete "*as a permanent resident alien*" and insert "*for permanent residence*" and delete "*or her*"

Page 1, line 22, delete the second comma

Page 1, line 23, delete the comma

Page 1, line 24, delete everything after the period

Page 1, delete line 25

Page 2, delete line 1

Page 2, line 2, delete "*apply.*"

Page 2, lines 6 and 7, delete "*after January 1 and prior to January 31*" and insert "*, at some time during the month of January*"

Page 2, line 9, after the period insert "*An alien who has been physically absent from the United States for more than six months out of any consecutive 12 month period shall be presumed not to be a permanent resident alien, but may submit a written statement to the commissioner explaining the reasons for the absence and any other facts which support the continuation of the permanent resident alien status. Upon receipt of the statement, the commissioner shall have 30 days to review the statement and notify the resident alien whether the facts support continuation of the permanent resident alien status. If the resident alien demonstrates his or her intention to re-establish residency, the commissioner shall continue the permanent resident alien status but may require the resident alien to periodically provide information to substantiate that person's residency status.*"

Page 2, line 13, delete comma and reinstate "or"

Page 2, lines 14 and 15, delete new language, strike "and," and insert a period

Page 2, line 24, after "apply" insert ":

(1)"

Page 2, line 28, strike "; provided,"

Page 2, line 29, strike "that" and insert a period

Page 2, line 29, strike "so"

Page 2, line 31, strike everything after "ownership"

Page 2, line 32, strike "provisions of this section shall not apply" and insert ";

(2)"

Page 2, line 34, after "treaty" strike "or" and insert ";

(3) to"

Page 2, line 35, strike ", or" and insert ";

(4) to"

Page 3, line 1, after "operations" strike "provided, however, that" and insert a period

Page 3, line 5, strike everything after "corporation"

Page 3, line 6, strike "apply" and insert "; *and*

(5)"

Page 3, line 7, strike ", provided that" and insert "*if*"

Page 3, line 8, strike "shall be" and insert "*is*"

Page 3, line 9, strike the comma

Page 3, line 9, strike "provided that" and insert "*the*"

Page 3, line 26, delete "*as may*"

Page 3, line 27, delete "*be*" and everything after "*commissioner*"

Page 3, line 28, delete everything before the semicolon

Page 3, line 33, delete "*30*" and insert "*90*"

Page 3, line 35, delete the period and insert "*; and*

(e) Continue to file periodic reports as required by subdivision 4 with respect to any land acquired on or before May 27, 1977.

Subd. 2b. [INVESTIGATION BY COMMISSIONER.] *The commissioner, upon the request of any person or upon receipt of any information which leads him to believe that a violation of this section may exist, may issue subpoenas requiring the appearance of witnesses, the production of relevant records and the giving of relevant testimony. If, as a result of his investigation, the commissioner concludes that a violation of this section may have occurred, he shall meet with the landowner in the county where the land is located to exchange information relating to the compliance with this section and any necessity for divestiture. The commissioner shall have the power to issue additional subpoenas for the meeting. The landowner and any person subpoenaed by the commissioner may be represented by counsel. Notwithstanding the provisions of chapter 15, the preliminary investigation and the meeting do not constitute a contested case hearing.*"

Page 3, line 36 to page 4, line 17, delete new language

Page 4, line 18, after "If" insert "*, after investigation,*"

Page 4, line 20, strike "subdivision 2" and insert "*this section*"

Page 4, line 26, strike "said" and insert "*the*"

Page 4, line 30, strike "such"

Page 4, line 32, strike "said" and insert "*the*"

Page 4, lines 34 and 35, strike "owning such land"

Page 5, line 3, before the period insert "*or any noncorporation entity acting as agent, assignee, or successor on behalf of a corporation*"

Page 5, after line 11, insert:

"*Subd. 3a.* [AGREEMENT.] *The commissioner is authorized to enter into a written agreement in settlement of any alleged violation, whether or not a hearing is held on the violation. The agreement shall be construed as a "No Contest" pleading and may include any sanctions, penalties, or affirmative actions which are mutually satisfactory and are consistent with this section. The agreement shall be final and conclusive with respect to the action, except upon a showing of fraud, malfeasance, or misrepresentation of a material fact. The matter agreed upon shall not be reopened or modified by an officer,*

employee, or agent of the state. The agreement shall be filed in Ramsey county district court and shall be enforceable by it or the district court of the county in which the person resides or principally does business. Any violator of an agreement may, after notice is given to the alleged violator and a hearing is held, be punished by the district court as for contempt, in addition to other remedies in this section."

Page 5, lines 15 to 19, delete all new language and reinstate all stricken language

Page 5, line 24, delete "*annual*"

Page 5, line 25, delete "*$100*" and insert "*$25*"

Amend the title as follows:

Page 1, line 2, delete "use of"

Page 1, line 2, delete "agricultural land; providing penalties" and insert "ownership of land; providing for permanent resident alien and loss of status"

And when so amended H. F. No. 697 will be identical to S. F.No. 733, and further recommends that H. F. No. 697 be given its second reading and substituted for S. F. No. 733, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 582 be amended as follows:

Page 1, line 14, delete everything after the period

Page 1, delete lines 15 to 18

Page 1, line 19, delete "*funds.*"

Page 1, line 22, after "described." insert "*It is unlawful for a person to mutilate, destroy, damage, or remove any shelter, comfort station or other trail facility on any trail established on state owned land or on any recreational trail which is funded in whole or in part by state grant-in-aid funds.*"

Page 1, delete lines 25 and 26 and insert "*section, "trail" means a recreational trail, which is funded in whole or in part by state grant-in-aids to a local unit of government.*

Subd. 2. [AUTHORITY OF LOCAL GOVERNMENT.] *A local government unit that receives state grant-in-aids for any trail may:*

(a) Designate the trail for exclusive use by snowmobiles or for exclusive nonmotorized use from December 1 to April 1 of any year; and

(b) Issue any permit required under subdivisions 3 to 5."

Page 2, delete lines 1 and 2

Page 2, line 3, delete "2" and insert "*3*"

Page 2, line 4, delete "*and only*"

Page 2, line 5, delete "*be issued by the*"

Page 2, delete line 6

Page 2, line 13, delete "*3*" and insert "*4*"

Page 2, line 17, delete "*4*" and insert "*5*"

Page 2, line 18, after "*no*" insert "*nonmotorized travel unless authorized by permit, lease or easement, nor*"

Page 2, line 19, after "*snowmobile,*" delete the rest of the line

Page 2, line 20, after "*for*" insert "*exclusive*"

Page 2, line 21, delete "*5*" and insert "*6*"

Page 2, line 22, delete "*2, 3 and 4*" and insert "*3 to 5*"

Page 2, line 29, after "*systems*" insert "*under the direction of the local unit of government which manages the trail*"

Page 2, delete lines 31 to 35 and insert "*of a land owner on whose lands the trail system has been constructed, but only with respect to operation on the land of that owner.*

Subd. 7. [STREETS AND HIGHWAYS.] *This section does not apply to any portion of a trail located on any street or highway as defined in section 169.01.*

Subd. 8. [ENFORCEMENT.] *The provisions of this section may be enforced by officers of the department of natural resources as provided in section 97.50.*"

Amend the title as follows:

Page 1, line 2, after "resources;" insert "permitting conservation officers to enforce prohibitions of vandalism of shelters and facilities on state and local trails;"

And when so amended H. F. No. 582 will be identical to S. F.No. 285, and further recommends that H. F. No. 582 be given its second reading and substituted for S. F. No. 285, 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. 602, 1017, 728, 1302, 1253, 1055, 1084, 477, 1252, 1079, 746, 1262, 1323 and 1386 were read the second time.

SECOND READING OF HOUSE BILLS

H. F. Nos. 6, 921, 182, 188, 473, 142, 1344, 192, 25, 732, 697 and 582 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Moe, D.M. moved that his name be stricken as co-author to S. F. No. 690. The motion prevailed.

CONFIRMATION

Mr. Merriam moved that the report from the Committee on Agriculture and Natural Resources, reported April 28, 1981, pertaining to appointments, be

taken from the table. The motion prevailed.

Mr. Merriam moved that the foregoing report be now adopted. The motion prevailed.

Mr. Merriam moved that in accordance with the report from the Committee on Agriculture and Natural Resources, reported April 28, 1981, the Senate, having given its advice, do now consent to and confirm the appointments of:

ENVIRONMENTAL EDUCATION BOARD

Roger O. Norman, 303 South Highland, New Ulm, Brown County, effective April 23, 1979, for a term expiring the first Monday in January, 1983.

Dr. Paul O. Walker, 2426 Galtier, Roseville, Ramsey County, effective April 23, 1979, for a term expiring the first Monday in January, 1983.

Julia W. Copeland, 135 Melbourne Avenue SE, Minneapolis, Hennepin County, effective April 23, 1979, for a term expiring the first Monday in January, 1983.

MINNESOTA POLLUTION CONTROL AGENCY

Cynthia C. Jepsen, Box 254, Marine on St. Croix, Washington County, effective February 24, 1981, for a term expiring the first Monday in January, 1985.

Lois West, RR 1, Box 155, Clarks Grove, Freeborn County, effective February 24, 1981, for a term expiring the first Monday in January, 1985.

The motion prevailed. So the appointments were confirmed.

MOTIONS AND RESOLUTIONS — CONTINUED

SUSPENSION OF RULES

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R. D. moved to take up the Consent Calendar and waive the lie-over requirement. The motion prevailed.

CONSENT CALENDAR

H. F. No. 410: A bill for an act relating to public welfare; authorizing the commissioner of public welfare to designate the county of financial responsibility for patients transferred under the Interstate Compact on Mental Health who are not residents of Minnesota; amending Minnesota Statutes 1980, Section 245.52.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 54 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Davis	Kroening	Penny	Stern
Bang	Dicklich	Langseth	Peterson,C.C.	Stokowski
Belanger	Dieterich	Lantry	Peterson,D.L.	Stumpf
Benson	Engler	Lessard	Peterson,R.W.	Taylor
Berg	Frank	Luther	Petty	Tennessen
Bernhagen	Frederickson	Menning	Pillsbury	Ulland
Bertram	Hanson	Merriam	Ramstad	Vega
Brataas	Hughes	Moe, D. M.	Rued	Waldorf
Chmielewski	Humphrey	Moe, R. D.	Schmitz	Wegener
Dahl	Keefe	Olhoft	Setzepfandt	Willet
Davies	Knoll	Pehler	Sieloff	

So the bill passed and its title was agreed to.

H. F. No. 1070: A bill for an act relating to health; exempting students in schools of dental assisting from the requirement of a dental license; amending Minnesota Statutes 1980, Section 150A.05, Subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 53 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kroening	Peterson,C.C.	Stokowski
Bang	Dieterich	Langseth	Peterson,D.L.	Stumpf
Belanger	Engler	Lantry	Peterson,R.W.	Taylor
Benson	Frank	Lessard	Petty	Tennessen
Berg	Frederickson	Luther	Pillsbury	Ulland
Bernhagen	Hanson	Menning	Ramstad	Vega
Bertram	Hughes	Merriam	Rued	Waldorf
Chmielewski	Humphrey	Moe, D. M.	Schmitz	Wegener
Dahl	Johnson	Moe, R. D.	Setzepfandt	Willet
Davies	Keefe	Olhoft	Sieloff	
Davis	Knoll	Penny	Stern	

So the bill passed and its title was agreed to.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on Bill Scheduling, designated H. F. No. 1304 a Special Order to be heard immediately.

H. F. No. 1304: A bill for an act relating to state government; providing for deficiencies in and supplementing appropriations for the expenses of state government; appropriating money.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 54 and nays 6, as follows:

Those who voted in the affirmative were:

Ashbach	Davies	Knutson	Penny	Spear
Bang	Dieterich	Kronebusch	Peterson,R.W.	Stern
Belanger	Frank	Langseth	Petty	Stokowski
Benson	Frederick	Lantry	Pillsbury	Stumpf
Berg	Frederickson	Lessard	Purfeerst	Taylor
Berglin	Hanson	Luther	Ramstad	Ulland
Bernhagen	Hughes	Menning	Renneke	Vega
Bertram	Humphrey	Moe, R. D.	Schmitz	Waldorf
Brataas	Johnson	Nelson	Setzepfandt	Wegener
Chmielewski	Keefe	Olhoft	Sieloff	Willet
Dahl	Knoll	Pehler	Solon	

Those who voted in the negative were:

Davis Merriam Peterson,C.C. Peterson,D.L. Rued
Dicklich

So the bill passed and its title was agreed to.

Mr. Willet moved that H. F. No. 1421 be taken from the table. The motion prevailed.

SUSPENSION OF RULES

Mr. Willet moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H. F. No. 1421 and that the rules of the Senate be so far suspended as to give H. F. No. 1421 its second and third reading and place it on its final passage. The motion prevailed.

H. F. No. 1421: A bill for an act relating to the organization and operation of state government; appropriating money for education and related purposes, including the department of education, higher education coordinating board, state universities, community colleges, and the university of Minnesota and its hospitals, with certain conditions; amending Minnesota Statutes 1980, Sections 15.38; 121.931, Subdivision 5; 123.742, by adding a subdivision; 123.743; and 136A.121, Subdivisions 4 and 5.

H. F. No. 1421 was read the second time.

Mr. Nelson moved to amend H.F. No. 1421 as follows:

Delete everything after the enacting clause and insert:

"Section 1. [EDUCATION; APPROPRIATIONS.] The sums set forth in the columns designated "APPROPRIATIONS" are appropriated from the general fund, or any other fund designated, to the agencies and for the purposes specified in the following sections of this act, to be available for the fiscal year indicated for each purpose. The figures "1981", "1982", and "1983", wherever used in this act, mean that the appropriation or appropriations listed thereunder or therefor shall be available for the year ending June 30, 1981, June 30, 1982, or June 30, 1983, respectively.

SUMMARY BY FUND

	1981	1982	1983	TOTAL
General		$436,493,500	$430,773,500	$867,267,000
Tr. Hwy.		17,100	18,600	35,700
Prm.Univ.		2,500,000	2,500,000	5,000,000
TOTAL		439,010,600	433,292,100	872,302,700

	APPROPRIATIONS Available for the Year Ending June 30	
	1982	1983
Sec. 2. DEPARTMENT OF EDUCATION		
Subdivision 1. General Operations and Management	$24,002,400	$23,393,700

	1982	1983
	$	$
Approved Complement		
State -	532.6	532.6
Federal -	236.9	236.9
Special Revenue -	12.5	12.5

The amounts that may be expended from this appropriation for each program and activity are more specifically described in the following subdivisions of this section.

Subd. 2. Special and Compensatory Education

$ 5,746,200 $ 5,706,800

Of this appropriation, $580,000 in the first year, and $573,000 in the second year is for Indian scholarships. Any unexpended balance remaining in the first year does not cancel but is available for the second year of the biennium.

$91,000 the first year is for repair and purchase of equipment at the Minnesota School for the Deaf and the Minnesota Braille and Sight-Saving School. Any unexpended balance remaining in the first year does not cancel but is available for the second year of the biennium.

Subd. 3. Vocational Technical Instruction

$ 3,055,700 $ 3,167,100

(a) $493,300 the first year and $530,500 the second year is for the Minnesota curriculum services center.

(b) $207,500 the first year and $224,000 the second year is for the vocational student organization center.

(c) $240,200 the first year and $260,000 the second year is for vocational area agricultural coordinators.

(d) The amounts in (a), (b), and (c), shall be spent pursuant to agreements between the state board of education and the recipients. The agreements are not subject to the contract approval procedures of the commissioner of administration.

Until June 30, 1983, the recipient may charge fees to users of these services designed to cover the cost to the recipient of duplication and distribution, plus ten percent.

(e) Federal money received for state vocational education programs pursuant to the Vocational Education Act of 1963, Section 120, and required to be used for vocational education of the disadvantaged and handicapped shall be used only for grants and not for state administrative

	1982	1983
	$	$

costs. This does not limit the use of grant money by a school district for its own administrative costs if otherwise permitted by federal law. The remainder of section 120 money not required to be used for eliminating sex bias, for displaced homemakers programs, and for matching requirements in vocational education shall be used for grants for post-secondary vocational support services aid.

(f) Beginning January 1, 1982, the department shall charge municipalities, counties or other units of government, electric cooperatives and other independent telephone companies an amount to provide 50 percent of the cost of field instruction in the utilities, electric cooperatives, and telephone training.

(g) Of the nine state complement positions to be reduced from this program, six shall be vocational supervisors in the post-secondary and adult activity areas and three shall be professional positions to be selected at the discretion of the commissioner from within the program.

Subd. 4. Special Services

$ 1,860,200	$ 1,916,100

Authority to set fees for private trade school licenses and for solicitor's permits shall reside with the state board of education. During the 1981-1983 biennium such fees shall be increased sufficiently so as to provide revenue equal to all costs associated with the private vocational schools unit.

The department shall provide on or before January 4, 1982, to the appropriate committees of the legislature a report on the administrative and regulatory activities associated with the provisions of Minnesota Statutes, Chapter 141, including details and the resulting costs and relationship of costs to the fees charged and collected.

The state board of education after consultation with the board of teaching shall set fees at a level sufficient to recover all department of education and board of teaching costs associated with the licensure, relicensure, and placement of teachers, administrators, and other education professionals.

The department of education may provide available curriculum information for improved teaching practices at public elementary, secondary, and post-secondary vocational schools.

	1982	1983
	$	$

The information may be provided upon the request of a school district or an educational cooperative service unit with whom the department has a written agreement. The department may enter into written agreements annually with school districts or educational cooperative service units who wish to have access to the informational service. The department may collect reasonable fees not to exceed its actual cost. The amounts received by the department pursuant to this authority are annually appropriated from the general fund to the department of education. The department may accept moneys from any public or private source to defray costs incurred pursuant to this activity. The department may fund two professional and two clerical positions from the fees collected for this activity.

Subd. 5. Instructional Services

$ 2,140,800	$ 2,220,200

Of the amounts provided by this subdivision, $17,100 in 1982 and $18,600 in 1983 are from the trunk highway fund.

$63,200 in the first year and $94,900 in the second year is for the chemical dependency program. These appropriations may be expended only with the approval of the governor after consultation with the legislative advisory commission as provided by Minnesota Statutes, Section 3.30 and only as a substitute for federal funds that are diminished or no longer available for this purpose. Up to two federal complement positions may be converted to state complement positions as needed to compensate for any loss of federal funds and as state funds are made available pursuant to this paragraph.

The department of education is authorized to apply for and receive federal money for the career education program. The department of education shall not increase its expenditure of state money or its state complement involved in career education programs above the level of the spending and complement in fiscal year 1979. The department of education shall not apply for federal career education money if the application will require an appropriation of state money at any time in the future. The department of education shall present no budget requests for state appropriations for this program in future sessions.

Subd. 6. School Management Services

$ 8,943,200	$ 8,109,400

	1982	1983
	$	$

(a) $3,273,000 in 1982 and $3,554,500 in 1983 is for regional reporting subsidies for regional management information centers.

(b) $717,300 in 1982 and $771,800 in 1983 is for regional telecommunication subsidies.

(c) $1,230,200 in the first year is for instructional timesharing telecommunication costs.

(d) Any unexpended balance remaining in the first year does not cancel but is available for the second year of the biennium.

(e) The department of education in consultation with MECC shall submit to the chairman of the house appropriations committee and the chairman of the senate finance committee by July 15 and December 31 of each year a progress report, proposed plans, and expenditures.

Subd. 7. Auxiliary and General Support Services

$ 2,090,800 $ 2,101,300

Of the complement positions to be eliminated in the department, the commissioner shall eliminate at least one state complement position of his own choosing with a classification of education specialist IV or higher.

Subd. 8. The commissioner of education with the approval of the commissioner of finance may transfer unencumbered balances among the above programs. Transfer shall be reported forthwith to the house appropriations and senate finance committees.

Subd. 9. Federal money received for strengthening state education agencies pursuant to the Elementary and Secondary Education Act of 1965, Title 4C, as amended, or pursuant to the Education Amendments of 1978, Section 404, Paragraph (a), Clause (9), or Title 5, Part B, shall be spent only for the activities and approved complement positions shown in the allocation plan for Title 4C money as approved by the conferees of the senate and house of representatives. The amounts available for expenditure for each activity are those shown in the allocation plan. Amounts necessary to support approved complement positions shown in the allocation plan may be added to or transferred among those activities by the commissioner of education, with the approval of the commissioner of finance and with notification to the committee on finance of the senate and the committee on appropriations of the house of repre-

	1982	1983
	$	$

sentatives. Any other transfers or additions may be made only by the governor after consultation with the legislative advisory commission.

Subd. 10. Board of Teaching

$ 165,500 $ 172,800

Sec. 3. HIGHER EDUCATION COORDINATING BOARD

Subdivision 1. General Operations and Management 48,685,400 49,631,400

The amounts that may be expended from this appropriation for each purpose are more specifically described in the following subdivisions of this section.

Subd. 2. Salaries and Expenses

$ 2,164,300 $ 2,374,500

This appropriation includes money for the administration of the state student assistance programs, program planning and coordination, policy planning and research, and agency management services.

Subd. 3. State Scholarship, Nurses Scholarship and State Grant-In-Aid

$30,720,000 $30,720,000

Subd. 4. Part Time Student Subsidy

$ 375,000 $ 375,000

Subd. 5. Special Assistance

$ 1,200 $ 1,200

Subd. 6. Interstate Tuition Reciprocity

$ 5,300,000 $ 5,669,000

If the appropriation for either year is insufficient, the appropriation for the other year is available to meet reciprocity contract obligations.

Subd. 7. State Work Study

$ 3,892,000 $ 4,067,000

In determining eligibility for work study awards, the higher education coordinating board shall limit awards to the financial need of the student as determined by the student needs analysis formula.

Subd. 8. Medical Student Loans

$ 81,000 $ 222,000

No new participants shall be admitted to this

	1982	1983
	$	$

program after June 30, 1981. This appropriation shall be used to meet the renewal loan requests of participants who entered the program prior to June 30, 1981 and to make principal and interest payments on outstanding bonds.

Subd. 9. AVTI Tuition Subsidy

$ 1,200,000 $ 1,200,000

Any unexpended balance in this subdivision remaining at the end of the first year does not cancel but is available for the purposes of subdivision 3 above for the second year.

Subd. 10. Private College Contracts

$ 4,105,000 $ 4,105,000

Any private educational institution that holds classes or other scheduled educational activities on evenings of precinct caucuses as defined by Minnesota Statutes, Chapter 202A is ineligible to receive money from this appropriation.

Subd. 11. Regional Coordination and Service

$ 285,000 $ 288,000

Subd. 12. Minitex Library Program

$ 561,900 $ 609,700

Subd. 13. Any unexpended balances in this section, except subdivisions 8 and 11 remaining in the first year do not cancel but are available for the second year of the biennium.

The nursing articulation task force shall submit a report to the higher education coordinating board by January 1, 1982. The report shall include, but not necessarily be limited to: (1) a documentation of the changes in the curricula that existing nursing education programs will implement before January 1, 1983; (2) a documentation of the changes in the transfer policies and policies for advanced placement of licensed nurses that each institution will implement before January 1, 1983; and (3) a set of specific alternatives for providing additional educational opportunities for licensed nurses in all areas of the state which could be implemented on or before July 1, 1983.

Sec. 4. STATE UNIVERSITY BOARD

Subdivision 1. General Operations and Management	83,349,800	81,966,800

The amounts that may be expended from this appropriation for each purpose are more specifically described in the following subdivisions of

	1982	1983
	$	$

this section.

Subd. 2. Maintenance and Equipment

$81,213,400 $80,249,300

(a) The appropriation in subdivision 2 includes $120,000 in 1982 and $130,000 in 1983 for enrollment and staffing stabilization.

If the amounts in (a) are insufficient for this purpose, the board may request additional money from the contingent fund in subdivision 3.

(b) The amounts appropriated in subdivision 2 include a sum in each year for recruitment of unclassified staff.

Subd. 3. State University Board Contingent

$ 500,000

Any unexpended balance remaining in the first year does not cancel but is available for the second year of the biennium.

This appropriation shall be expended with the approval of the governor after consultation with the legislative advisory commission as provided by Minnesota Statutes, Section 3.30.

Subd. 4. Federal Student Loans - State Matching

$ 175,000 $ 175,000

Subd. 5. Federal Work Study - State Matching

$ 518,000 $ 518,000

Any unexpended balances in subdivisions 4 and 5 remaining in the first year do not cancel but are available for the second year of the biennium. If the amounts appropriated in subdivision 5 are insufficient to fully match federal money available, the state university board may transfer money from the appropriations in subdivision 1 or 3 to this program. No portion of the appropriation shall be used to defray obligations incurred prior to July 1, 1980.

Subd. 6. Repairs and Betterments

$ 943,400 $ 1,024,500

Any unexpended balance remaining in the first year does not cancel but is available for the second year of the biennium.

The state university board, with the concurrence of the commissioner of finance and the chairmen of the senate finance and house appropriations committees, may transfer excess fuel and utility

	1982	1983
	$	$

money appropriated in subdivision 2 to the repair and betterment account to fund energy conservation related building repairs and improvements.

Subd. 7. A report shall be submitted to the 73rd session of the legislature on the use of all money exempt from budgetary control by the commissioner of finance pursuant to Minnesota Statutes, Sections 136.11, Subdivision 5; 136.144; and 136.37.

Sec. 5. STATE COMMUNITY COLLEGE BOARD

Subdivision 1. General Operations and Management 40,492,400 38,973,600

The amounts that may be expended from this appropriation for each purpose are more specifically described in the following subdivisions of this section.

Subd. 2. Operations and Maintenance

$38,933,100 $37,884,200

This appropriation is for maintenance and equipment of the state community college board and the state community colleges. The state community colleges are encouraged to use off-campus courses to extend the benefits of this appropriation to as many Minnesota residents as possible.

(a) The appropriation in subdivision 2 includes $40,000 in 1982 and $60,000 in 1983 for enrollment and staffing stabilization.

(b) If the amounts in (a) are insufficient for this purpose, the board may request additional money from the contingent fund in subdivision 3.

Subd. 3. Program Development

$ 300,000

Prior to use of this appropriation the chancellor of the community college system shall submit the proposed program and expenditures for review by the chairmen of the house appropriations and senate finance committees.

Subd. 4. Learning Centers

$ 232,300 $ 234,300

The board shall report to the committee on finance of the senate and the committee on appropriations of the house of representatives by March 1, 1982 for the first year and January 1,

	1982	1983
	$	$

1983 for the second year on the use of the money in this appropriation.

Subd. 5. Federal Student Loan - State Matching

$ 35,000 $ 35,000

Subd. 6. Federal Work Study - State Matching

$ 365,600 $ 365,600

If the amounts appropriated are insufficient to fully match federal money available, the community college board may transfer money available from the appropriation in subdivision 2 to this program.

Subd. 7. State Community College Board Contingent

$ 200,000

Any expended balance remaining in the first year does not cancel but is available for the second year of the biennium.

This appropriation shall be expended with the approval of the governor after consultation with the legislative advisory commission, as provided by Minnesota Statutes, Section 3.30.

Subd. 8. Repairs and Betterments

$ 426,400 $ 454,500

Any unexpended balances in this section, except subdivision 2, remaining in the first year does not cancel but is available for the second year of the biennium.

Sec. 6. UNIVERSITY OF MINNESOTA . .	240,956,900	237,659,300

The amounts that may be expended from this appropriation for each purpose are more specifically described in the following three sections of this act.

Sec. 7. UNIVERSITY OF MINNESOTA: GENERAL

Subdivision 1. Operations and Maintenance	198,061,400	196,443,000

These appropriations are made from:

(a) Income derived from investment of the permanent university fund, which is appropriated to the university as provided in Minnesota Statutes, Section 137.022. It is estimated that this income will not exceed $2,500,000 for the first year and $2,500,000 for the second year; and

(b) The general fund. It is estimated that the

	1982	1983
	$	$
amount required from the general fund will be at least $195,561,400 for the first year and $193,943,000 for the second year.		
Of the amount in (b) $2,644,600 in 1982 and $5,277,500 in 1983 is for the general inflation allowance.		
The university is authorized to retain five percent of the indirect cost recoveries and this amount shall be expended to improve its ability to attract nonstate money. A report on the expenditures of this money with an analysis of apparent results shall accompany the university's annual report on expenditure of excess receipts.		
On October 1, 1982 and 1983 the president of the university of Minnesota shall furnish the house appropriations and senate finance committees and the commissioner of finance the following information:		
(1) The total amount of receipts during the fiscal year 1982 from all sources in excess of $92,005,200 and during the fiscal year 1983 from all sources in excess of $98,852,700;		
(2) The sources of these receipts; and		
(3) The purposes for which any excess receipts were expended and accounts to which transferred.		
The board of regents shall certify to the commissioner of finance at the end of each quarter the amount of earnings derived from the investment of the permanent university fund.		
If this income during any fiscal year exceeds the amounts stated in (a) above, the amount payable from the general fund is reduced accordingly.		
In preparing the university's legislative budget request for the 1983-1985 biennium, all projected income from student tuition shall be based on a charge per credit hour schedule.		
This appropriation includes money to provide direct support services to handicapped students.		
Subd. 2. Student Loans - State Matching . . .	175,000	175,000
Subd. 3. Disadvantaged Students	361,500	361,500
This appropriation shall be used for providing counseling, tutorial, and other direct services to disadvantaged students.		
Subd. 4. Fellowship for Minority and Disadvantaged Students	143,000	
Any unexpended balance remaining in the first		

	1982 $	1983 $
year does not cancel but is available for the second year of the biennium.		
Subd. 5. Intercollegiate Athletics	1,494,700	1,494,700
This appropriation shall be used as a general offset to the expenses of intercollegiate athletics.		
Subd. 6. Summer School Tuition and Continuing Education Supplement	1,227,200	1,189,200
This appropriation includes money for the administration of the elderhostel program and construction of a tower at Rochester.		
Subd. 7. Medical Services and Instruction	1,671,800	1,681,800
This appropriation includes money for the rural health physicians' associate program, drug abuse information and education, and public health and nurse clinician generalist program.		
Subd. 8. Health Sciences Contingent	3,212,500	1,212,500
Any unexpended balance remaining in the first year does not cancel but is available for the second year of the biennium.		
Portions or all of the above appropriation are available upon submission of required documentation that federal health sciences capitation money has been reduced or phased out. Replacement of any capitation grant losses or reductions shall be computed by using the fiscal year 1976 level as the base year. The replacement will be adjusted to reflect faculty and civil service salary increases granted to the university for the 1981-1983 biennium. All requests shall be reviewed by the chairmen of the house appropriations and senate finance committees whose recommendations are advisory only. Failure to make a recommendation promptly is deemed a negative recommendation.		
Sec. 8. UNIVERSITY OF MINNESOTA: RESEARCH		
Subdivision 1. General Research	2,086,600	2,104,700
This appropriation is, as the board of regents may direct, for general research, business and economic research including Duluth, training for careers in fire prevention and protection, center for urban and regional affairs, museum of natural history, and juvenile justice seminar.		
Subd. 2. Mineral Resource Research Center	557,500	557,500
Subd. 3. General Agricultural Research	8,699,800	8,699,800

	1982	1983
	$	$
This appropriation includes money for research on aquatic plants (including wild rice), soybeans, avian disease, swine disease, corn improvement and irrigation.		
Subd. 4. Hormel Institute - Austin	135,100	135,100
To support the operation of the institute and to promote research by the institute.		
Subd. 5. Medical Research	1,673,900	1,673,900
Subd. 6. Coleman Leukemia Research Fund	200,000	200,000
Subd. 7. Veterinary Diagnostic Laboratory and Teaching Hospital	794,400	794,400
This appropriation includes money for the Raptor Rehabilitation and Research Clinic.		
Subd. 8. Geological Survey	565,300	565,300
Subd. 9. Lake Superior Basin Studies	125,000	125,000
Subd. 10. Sea Grant	100,200	100,200
Subd. 11. Plant Biomass Research	225,000	225,000
Subd. 12. Immigration History Research Center	225,000	
Subd. 13. Science and Technical Center	200,000	300,000
Sec. 9. UNIVERSITY OF MINNESOTA: COMMUNITY SERVICES		
Subdivision 1. Agricultural Extension Service	8,629,600	8,629,600
This appropriation includes money for agriculture extension work, county agricultural agents, home demonstration and 4-H club work, and soil conservation. Any salary increases granted by the university to personnel paid from this appropriation shall not result in a reduction of the county portion of the salary payments.		
This appropriation includes money each year for the potato and sugar beet extension program in the Red River Valley, contingent on an equal amount being provided by the state of North Dakota.		
Subd. 2. For State's Share of Expenses of County Indigent Patients	2,000,000	2,000,000
Subd. 3. Special Hospitals, Community Service, and Educational Offset	7,270,500	7,270,500
Fees for service furnished to counties and individuals under this program shall be sought to augment the money appropriated; the fees are appropriated to the university hospitals, to be available until June 30, 1983.		

	1982 $	1983 $
Subd. 4. Industrial Relations Education Program	520,600	520,600
Subd. 5. Inflation Allowance - University Specials	601,300	1,200,000

This appropriation includes money for inflation on the amounts spent on supplies, expenses, and equipment at the rate of 7.1 percent in 1982 and 6.6 percent in 1983.

The appropriations in section 7 for operations and maintenance funding for the agricultural extension service, for the faculty travel fund and for the university hospitals outpatient clinics shall be merged with the appropriate special appropriations in fiscal years 1982 and 1983.

Sec. 10. MAYO MEDICAL

Subdivision 1. Medical School	1,367,700	1,499,300

The state of Minnesota shall pay a capitation of $8,998 in fiscal year 1982 and $9,799 in fiscal year 1983 for each student who is a resident of Minnesota for a maximum of 40 such students in each class.

Subd. 2. Family Practice and Graduate Residency Program	156,000	168,000

The state of Minnesota shall pay capitation of $13,000 in fiscal year 1982 and $14,000 in fiscal year 1983 for a maximum of 12 students each year.

Sec. 11. Minnesota Statutes 1980, Section 15.38, is amended to read:

15.38 [NON-INSURANCE OF STATE PROPERTY; ~~STILLWATER CORRECTIONAL FACILITY, EXCEPTION~~ *EXCEPTIONS.*]

Subdivision 1. [INSURANCE PROHIBITED.] No public funds shall be expended on account of any insurance upon state property against loss or damage by fire or tornado, nor shall any state officer or board contract for or incur any indebtedness against the state on account of any such insurance, except ~~that~~ *as specifically authorized in this section, section 15.39, or other law*.

Subd. 2. [STILLWATER PRISON.] The commissioner of corrections is authorized in his discretion to insure the state of Minnesota against loss by fire or tornado to the Minnesota correctional facility-Stillwater, or the contents thereof, in any insurance companies licensed to do business in this state, in such an amount as he may from time to time determine and to pay the premiums therefor from the revolving fund of the institution.

Subd. 3. [STATE UNIVERSITIES.] *The state university board may purchase insurance coverage as it deems necessary and appropriate for activities ancillary to the programs of the state universities.*

Subd. 4. [COMMUNITY COLLEGES.] *The community college board may*

purchase insurance coverage as it deems necessary and appropriate for activities ancillary to the programs of the state community colleges.

Sec. 12. Minnesota Statutes 1980, Section 144A.61, Subdivision 3, is amended to read:

Subd. 3. [CURRICULA; *TEST.*] The commissioner of education shall develop curricula ~~which may~~ *and a test to* be used for nursing assistant training programs for employees of nursing homes. The curricula, as reviewed and evaluated by the board of nursing, shall be utilized by all facilities, institutions, or programs offering nursing assistant training programs. *The test may be given by any area vocational-technical institute, community college, state university, or the university of Minnesota in accordance with instructions from the commissioner of education.*"

Amend the title as follows:

Page 1, delete lines 9 to 11 and insert "15.38; and 144A.61, Subdivision 3."

The motion prevailed. So the amendment was adopted.

H. F. No. 1421 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Engler	Langseth	Peterson,D.L.	Stern
Belanger	Frank	Lantry	Peterson,R.W.	Stokowski
Benson	Frederick	Lessard	Petty	Stumpf
Berg	Frederickson	Luther	Pillsbury	Taylor
Berglin	Hanson	Menning	Purfeerst	Tennessen
Bertram	Hughes	Merriam	Ramstad	Ulland
Brataas	Humphrey	Moe, D. M.	Renneke	Vega
Chmielewski	Johnson	Moe, R. D.	Rued	Waldorf
Dahl	Keefe	Nelson	Schmitz	Wegener
Davies	Knoll	Olhoft	Setzepfandt	Willet
Davis	Knutson	Pehler	Sieloff	
Dicklich	Kroening	Penny	Sikorski	
Dieterich	Kronebusch	Peterson,C.C.	Spear	

So the bill, as amended, passed and its title was agreed to.

Mr. Willet moved that S. F. No. 1386 be stricken from General Orders and laid on the table. The motion prevailed.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on Bill Scheduling, designated H. F. No. 326 a Special Order to be heard immediately.

H. F. No. 326: A bill for an act relating to health; changing eligibility requirements for catastrophic health expense protection; including insurance premiums; appropriating money; amending Minnesota Statutes 1980, Sections 62E.52, Subdivisions 2 and 3; 62E.53, Subdivisions 1 and 2; and 62E.531, Subdivision 2.

Mr. Sikorski moved to amend H. F. No. 326, the unofficial engrossment, as

follows:

Page 1, line 26, delete "*cash or liquid*"

Page 2, line 8, after "*town*" insert a comma and delete " *adjoining*" and insert "*surrounding*"

Page 2, line 11, delete "*or*" and insert a comma

Page 2, delete lines 12 and 13 and insert "*or shares in a family farm corporation shall be disregarded if it is usually used to produce income.*"

Page 2, line 30, delete "*which*" and insert "*that*"

Page 3, line 31, delete "*Any*" and insert "*A*"

Page 3, line 34, delete "*any such*" and insert "*the*"

Page 3, line 36, delete "*shall be*" and insert "*is*"

Page 4, delete lines 21 to 25 and insert:

"*Subd. 3.* [TRANSFERS PROHIBITED.] *The commissioner shall make no transfers between appropriations for the payment of health services under the provisions of sections 62E.51 to 62E.55 and appropriations for other programs of the department of public welfare.*"

The motion prevailed. So the amendment was adopted.

Mr. Knutson moved to amend H. F. No. 326, the unofficial engrossment, as follows:

Page 2, line 17, delete "*18*" and insert "*12*"

Page 2, line 20, before "and" insert "*or for services of an intermediate care facility, level I, for not more than 120 days in a year,*"

The motion prevailed. So the amendment was adopted.

H. F. No. 326 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 58 and nays 5, as follows:

Those who voted in the affirmative were:

Ashbach	Davis	Knutson	Penny	Spear
Bang	Dicklich	Kroening	Peterson,C.C.	Stern
Belanger	Dieterich	Langseth	Peterson,R.W.	Stokowski
Benson	Engler	Lantry	Petty	Stumpf
Berg	Frank	Lessard	Pillsbury	Tennessen
Berglin	Frederick	Luther	Purfeerst	Ulland
Bernhagen	Hanson	Menning	Ramstad	Vega
Bertram	Hughes	Merriam	Renneke	Waldorf
Brataas	Humphrey	Moe, D. M.	Schmitz	Wegener
Chmielewski	Johnson	Moe, R. D.	Setzepfandt	Willet
Dahl	Keefe	Nelson	Sikorski	
Davies	Knoll	Pehler	Solon	

Those who voted in the negative were:

Frederickson	Kronebusch	Peterson, D.L.	Rued	Sieloff

So the bill, as amended, passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

SUSPENSION OF RULES

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Calendar and waive the lie-over requirement. The motion prevailed.

CALENDAR

S. F. No. 694: A bill for an act relating to commerce; regulating the manufacture, importation, distribution, sale, leasing and alteration of manufactured homes; conforming state regulatory practices and the state manufactured home building code to federal law; providing for enforcement of the code; prohibiting certain practices; providing civil and criminal penalties; amending Minnesota Statutes 1980, Sections 327.31; 327.32; 327.33; and 327.34, Subdivisions 1, 3, and 4, and by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 327; repealing Minnesota Statutes 1980, Section 327.34, Subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 39 and nays 22, as follows:

Those who voted in the affirmative were:

Bang	Hanson	Langseth	Peterson,R.W.	Stern
Belanger	Hughes	Lantry	Petty	Stokowski
Berglin	Humphrey	Lessard	Purfeerst	Stumpf
Dahl	Johnson	Luther	Schmitz	Tennessen
Davies	Keefe	Menning	Setzepfandt	Vega
Dieterich	Knoll	Moe, D. M.	Sikorski	Waldorf
Frank	Knutson	Nelson	Solon	Wegener
Frederick	Kroening	Pehler	Spear	

Those who voted in the negative were:

Ashbach	Brataas	Kronebusch	Pillsbury	Ulland
Benson	Chmielewski	Merriam	Ramstad	Willet
Berg	Davis	Penny	Renneke	
Bernhagen	Engler	Peterson,C.C.	Rued	
Bertram	Frederickson	Peterson,D.L.	Sieloff	

So the bill passed and its title was agreed to.

H. F. No. 601: A bill for an act relating to cemeteries; requiring public cemeteries having permanent care and improvement funds to file a notice and an annual report with the county auditor; amending Minnesota Statutes 1980, Section 306.761.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Bernhagen	Davies	Frank	Humphrey
Bang	Bertram	Davis	Frederick	Johnson
Belanger	Brataas	Dicklich	Frederickson	Keefe
Benson	Chmielewski	Dieterich	Hanson	Knoll
Berglin	Dahl	Engler	Hughes	Knutson

Kroening	Moe, D. M.	Petty	Sikorski	Vega
Kronebusch	Moe, R. D.	Pillsbury	Solon	Waldorf
Langseth	Nelson	Purfeerst	Spear	Wegener
Lantry	Pehler	Ramstad	Stern	Willet
Lessard	Penny	Rued	Stokowski	
Luther	Peterson,C.C.	Schmitz	Stumpf	
Menning	Peterson,D.L.	Setzepfandt	Tennessen	
Merriam	Peterson,R.W.	Sieloff	Ulland	

So the bill passed and its title was agreed to.

H. F. No. 57: A bill for an act relating to real estate; directing a conveyance of the states right, title and interest in certain lands to Independent School District No. 417 of Tracy, Minnesota.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Dieterich	Kroening	Peterson,D.L.	Solon
Belanger	Engler	Kronebusch	Peterson,R.W.	Spear
Benson	Frank	Langseth	Petty	Stern
Berglin	Frederick	Lantry	Pillsbury	Stokowski
Bernhagen	Frederickson	Lessard	Purfeerst	Stumpf
Bertram	Hanson	Luther	Ramstad	Tennessen
Brataas	Hughes	Menning	Renneke	Ulland
Chmielewski	Humphrey	Merriam	Rued	Vega
Dahl	Johnson	Moe, R. D.	Schmitz	Waldorf
Davies	Keefe	Pehler	Setzepfandt	Wegener
Davis	Knoll	Penny	Sieloff	Willet
Dicklich	Knutson	Peterson,C.C.	Sikorski	

So the bill passed and its title was agreed to.

H. F. No. 1075: A bill for an act relating to social and charitable organizations; increasing the threshold dollar amount required for the use of a certified financial statement; determining what is properly included in cost of goods or services; amending Minnesota Statutes 1980, Sections 309.53, Subdivision 3; and 309.555, Subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Langseth	Peterson,R.W.	Stern
Bang	Engler	Lantry	Petty	Stokowski
Belanger	Frank	Lessard	Pillsbury	Stumpf
Benson	Frederick	Luther	Purfeerst	Tennessen
Berglin	Frederickson	Menning	Ramstad	Ulland
Bernhagen	Hanson	Merriam	Renneke	Vega
Bertram	Hughes	Moe, D. M.	Rued	Waldorf
Brataas	Humphrey	Moe, R. D.	Schmitz	Wegener
Chmielewski	Johnson	Nelson	Setzepfandt	Willet
Dahl	Keefe	Pehler	Sieloff	
Davies	Knoll	Penny	Sikorski	
Davis	Kroening	Peterson,C.C.	Solon	
Dicklich	Kronebusch	Peterson,D.L.	Spear	

So the bill passed and its title was agreed to.

H. F. No. 258: A bill for an act relating to commerce; allowing the manufacture, sale, and shipment of gambling devices for use in other states; amending Minnesota Statutes 1980, Sections 349.31, Subdivision 1; 609.75, Subdivision 1; 609.76; proposing new law coded in Minnesota Statutes, Chapter 349.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Kroening	Penny	Sikorski
Bang	Engler	Kronebusch	Peterson,C.C.	Solon
Belanger	Frank	Langseth	Peterson,D.L.	Spear
Benson	Frederick	Lantry	Peterson,R.W.	Stern
Berglin	Frederickson	Lessard	Petty	Stokowski
Bertram	Hanson	Luther	Pillsbury	Stumpf
Brataas	Hughes	Menning	Purfeerst	Tennessen
Chmielewski	Humphrey	Merriam	Renneke	Ulland
Dahl	Johnson	Moe, D. M.	Rued	Vega
Davies	Keefe	Moe, R. D.	Schmitz	Waldorf
Davis	Knoll	Nelson	Setzepfandt	Wegener
Dicklich	Knutson	Pehler	Sieloff	Willet

So the bill passed and its title was agreed to.

H. F. No. 168: A bill for an act relating to motor vehicle carriers; providing procedures for granting permits to courier service carriers in certain cases; amending Minnesota Statutes 1980, Section 221.121, Subdivision 4.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Peterson, D.L.	Spear
Bang	Dieterich	Langseth	Peterson, R.W.	Stern
Belanger	Engler	Lantry	Petty	Stokowski
Benson	Frank	Lessard	Pillsbury	Stumpf
Berg	Frederick	Luther	Purfeerst	Tennessen
Berglin	Frederickson	Menning	Ramstad	Ulland
Bernhagen	Hanson	Merriam	Renneke	Vega
Bertram	Hughes	Moe, D.M.	Rued	Waldorf
Brataas	Humphrey	Moe, R.D.	Schmitz	Wegener
Chmielewski	Johnson	Nelson	Setzepfandt	Willet
Dahl	Knoll	Pehler	Sieloff	
Davies	Knutson	Penny	Sikorski	
Davis	Kroening	Peterson, C.C.	Solon	

So the bill passed and its title was agreed to.

H. F. No. 371: A bill for an act relating to insurance; prohibiting insurance companies which offer funeral or burial expense policies from designating as beneficiaries under the policies persons who provide funeral or burial services and supplies; removing the prohibition against an insurance company's affiliation with a funeral establishment; proposing new law coded in Minnesota Statutes, Chapter 72A; repealing Minnesota Statutes 1980, Section 72A.321.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kroening	Penny	Sieloff
Bang	Dieterich	Kronebusch	Peterson,C.C.	Sikorski
Belanger	Engler	Langseth	Peterson,D.L.	Solon
Benson	Frank	Lantry	Peterson,R.W.	Spear
Berg	Frederick	Lessard	Petty	Stokowski
Berglin	Frederickson	Luther	Pillsbury	Stumpf
Bernhagen	Hanson	Menning	Purfeerst	Tennessen
Bertram	Hughes	Merriam	Ramstad	Ulland
Chmielewski	Humphrey	Moe, D. M.	Renneke	Vega
Dahl	Johnson	Moe, R. D.	Rued	Waldorf
Davies	Knoll	Nelson	Schmitz	Wegener
Davis	Knutson	Pehler	Setzepfandt	Willet

So the bill passed and its title was agreed to.

H. F. No. 579: A bill for an act relating to financial institutions; allowing new mortgage instruments; modifying rate restrictions on certain loans; providing a maximum late charge on certain loans; amending Minnesota Statutes 1980, Section 47.20, Subdivisions 1, 2, 4, 4a, 6, 12 and by adding subdivisions.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 48 and nays 15, as follows:

Those who voted in the affirmative were:

Ashbach	Davis	Kronebusch	Penny	Schmitz
Bang	Engler	Langseth	Peterson,C.C.	Setzepfandt
Belanger	Frederick	Lantry	Peterson,D.L.	Sieloff
Benson	Frederickson	Lessard	Peterson,R.W.	Solon
Berg	Hanson	Menning	Petty	Stern
Bernhagen	Hughes	Merriam	Pillsbury	Tennessen
Bertram	Humphrey	Moe, D. M.	Purfeerst	Ulland
Brataas	Keefe	Moe, R. D.	Ramstad	Wegener
Dahl	Knoll	Nelson	Renneke	
Davies	Knutson	Pehler	Rued	

Those who voted in the negative were:

Berglin	Dieterich	Kroening	Spear	Vega
Chmielewski	Frank	Luther	Stokowski	Waldorf
Dicklich	Johnson	Sikorski	Stumpf	Willet

So the bill passed and its title was agreed to.

H. F. No. 413: A bill for an act relating to handicapped persons; prohibiting persons serving as foreign language interpreters or interpreters for persons with hearing or speaking impairments from disclosing communications made to them during the course of civil, criminal or administrative proceedings; amending Minnesota Statutes 1980, Sections 546.44, by adding a subdivision; 595.02; 611.30; 611.31; and 611.33, by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 1, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Peterson,R.W.	Stern
Bang	Dieterich	Langseth	Petty	Stokowski
Belanger	Engler	Lantry	Pillsbury	Stumpf
Benson	Frank	Lessard	Purfeerst	Tennessen
Berg	Frederick	Luther	Ramstad	Ulland
Berglin	Hanson	Menning	Renneke	Vega
Bernhagen	Hughes	Merriam	Rued	Waldorf
Bertram	Humphrey	Moe, D. M.	Schmitz	Wegener
Brataas	Johnson	Moe, R. D.	Setzepfandt	Willet
Chmielewski	Keefe	Nelson	Sieloff	
Dahl	Knoll	Pehler	Sikorski	
Davies	Knutson	Penny	Solon	
Davis	Kroening	Peterson,D.L.	Spear	

Mr. Frederickson voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 79: A bill for an act relating to commerce; providing for the regulation and licensing of precious metal dealers; establishing identification procedures and recording requirements; prohibiting certain transactions; providing for criminal and civil penalties; providing remedies; amending Minnesota Statutes 1980, Section 609.53, Subdivision 4, and by adding subdivisions; proposing new law coded in Minnesota Statutes, Chapter 325F.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 2, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Kronebusch	Peterson,D.L.	Stokowski
Bang	Engler	Langseth	Peterson,R.W.	Stumpf
Belanger	Frank	Lantry	Petty	Taylor
Benson	Frederick	Lessard	Pillsbury	Tennessen
Berg	Frederickson	Luther	Purfeerst	Ulland
Berglin	Hanson	Menning	Ramstad	Vega
Bernhagen	Hughes	Merriam	Renneke	Waldorf
Bertram	Humphrey	Moe, D. M.	Rued	Wegener
Brataas	Johnson	Moe, R. D.	Sieloff	Willet
Dahl	Keefe	Nelson	Sikorski	
Davies	Knoll	Pehler	Solon	
Davis	Knutson	Penny	Spear	
Dicklich	Kroening	Peterson,C.C.	Stern	

Messrs. Chmielewski and Schmitz voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 1122: A bill for an act relating to veterans; changing the method of appointment and termination of the administrator of the Minnesota veterans home; amending Minnesota Statutes 1980, Section 198.06.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Kronebusch	Peterson,D.L.	Spear
Belanger	Engler	Langseth	Peterson,R.W.	Stern
Benson	Frank	Lantry	Petty	Stokowski
Berg	Frederick	Lessard	Pillsbury	Stumpf
Berglin	Frederickson	Luther	Purfeerst	Taylor
Bernhagen	Hanson	Menning	Ramstad	Tennessen
Bertram	Hughes	Merriam	Renneke	Ulland
Brataas	Humphrey	Moe, D. M.	Rued	Vega
Chmielewski	Johnson	Moe, R. D.	Schmitz	Waldorf
Dahl	Keefe	Nelson	Setzepfandt	Wegener
Davies	Knoll	Pehler	Sieloff	Willet
Davis	Knutson	Penny	Sikorski	
Dicklich	Kroening	Peterson,C.C.	Solon	

So the bill passed and its title was agreed to.

H. F. No. 98: A bill for an act relating to energy; amending certain provisions for home energy disclosure reports; amending Minnesota Statutes 1980, Section 116H.129, Subdivisions 1, 2, 5, 6, and 7.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 50 and nays 13, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Kronebusch	Pehler	Spear
Benson	Frank	Langseth	Penny	Stern
Berglin	Frederick	Lantry	Peterson, R.W.	Stokowski
Bernhagen	Hanson	Lessard	Petty	Stumpf
Brataas	Hughes	Luther	Purfeerst	Taylor
Dahl	Humphrey	Menning	Ramstad	Tennessen
Davies	Johnson	Merriam	Schmitz	Ulland
Davis	Keefe	Moe, D.M.	Sieloff	Vega
Dicklich	Knoll	Moe, R.D.	Sikorski	Waldorf
Dieterich	Kroening	Nelson	Solon	Wegener

Those who voted in the negative were:

Bang	Bertram	Knutson	Pillsbury	Willet
Belanger	Chmielewski	Peterson, C.C.	Renneke	
Berg	Frederickson	Peterson, D.L.	Rued	

So the bill passed and its title was agreed to.

H. F. No. 1059: A bill for an act relating to crimes; providing for the type of proof of the fact of killing in murder and manslaughter cases; amending Minnesota Statutes 1980, Section 634.051.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Brataas	Frank	Kroening	Moe, D.M.
Bang	Chmielewski	Frederick	Kronebusch	Moe, R.D.
Belanger	Dahl	Frederickson	Langseth	Nelson
Benson	Davies	Hanson	Lantry	Pehler
Berg	Davis	Hughes	Lessard	Penny
Berglin	Dicklich	Humphrey	Luther	Peterson, C.C.
Bernhagen	Dieterich	Johnson	Menning	Peterson, D.L.
Bertram	Engler	Knutson	Merriam	Peterson, R.W.

Petty	Rued	Solon	Taylor	Wegener
Pillsbury	Schmitz	Spear	Tennessen	Willet
Purfeerst	Setzepfandt	Stern	Ulland	
Ramstad	Sieloff	Stokowski	Vega	
Renneke	Sikorski	Stumpf	Waldorf	

So the bill passed and its title was agreed to.

S. F. No. 445: A bill for an act relating to courts; providing service periods on Hennepin and Ramsey County district courts, juvenile divisions or family division; authorizing appointment of district court judges to hear cases arising under the juvenile court or family court act for terms up to four years; amending Minnesota Statutes 1980, Sections 260.019, Subdivision 3; 484.64, Subdivision 1; and 484.65, Subdivisions 1 and 6.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kroening	Peterson, C.C.	Solon
Bang	Dieterich	Kronebusch	Peterson, D.L.	Spear
Belanger	Engler	Langseth	Peterson, R.W.	Stern
Benson	Frank	Lantry	Petty	Stokowski
Berg	Frederick	Lessard	Pillsbury	Stumpf
Berglin	Frederickson	Luther	Purfeerst	Taylor
Bernhagen	Hanson	Menning	Ramstad	Tennessen
Bertram	Hughes	Merriam	Renneke	Ulland
Brataas	Humphrey	Moe, D.M.	Rued	Vega
Chmielewski	Johnson	Moe, R.D.	Schmitz	Waldorf
Dahl	Keefe	Nelson	Setzepfandt	Wegener
Davies	Knoll	Pehler	Sieloff	Willet
Davis	Knutson	Penny	Sikorski	

So the bill passed and its title was agreed to.

H. F. No. 449: A bill for an act relating to courts; providing that court reporter salaries shall be set by the district court administrator after consultation with the chief judge; amending Minnesota Statutes 1980, Sections 486.05, Subdivision 1; and 487.11, Subdivision 2.

With the unanimous consent of the Senate, Mr. Solon moved that the amendment made to H. F. No. 449 by the Committee on Rules and Administration in the report adopted April 20, 1981, pursuant to Rule 49, be stricken, and that the amendment to H. F. No. 449, adopted by the Senate April 28, 1981, be stricken. The motion prevailed. So the amendments were stricken.

H. F. No. 449 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Chmielewski	Hanson	Lantry	Peterson, C.C.
Bang	Dahl	Hughes	Lessard	Peterson, D.L.
Belanger	Davies	Humphrey	Luther	Peterson, R.W.
Benson	Davis	Johnson	Menning	Petty
Berg	Dicklich	Keefe	Merriam	Pillsbury
Berglin	Engler	Knoll	Moe, D.M.	Purfeerst
Bernhagen	Frank	Kroening	Moe, R.D.	Ramstad
Bertram	Frederick	Kronebusch	Nelson	Renneke
Brataas	Frederickson	Langseth	Penny	Rued

Schmitz	Solon	Stokowski	Tennessen	Waldorf
Setzepfandt	Spear	Stumpf	Ulland	Wegener
Sieloff	Stern	Taylor	Vega	Willet
Sikorski				

So the bill passed and its title was agreed to.

S. F. No. 373: A bill for an act relating to public safety; requiring the state fire marshal to grant or deny variances from the provisions of the state fire code within 30 days; amending Minnesota Statutes 1980, Section 299F.011, Subdivision 5.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Peterson, D.L.	Spear
Bang	Dieterich	Langseth	Peterson, R.W.	Stern
Belanger	Engler	Lantry	Petty	Stokowski
Benson	Frank	Lessard	Pillsbury	Stumpf
Berg	Frederick	Luther	Purfeerst	Taylor
Berglin	Frederickson	Menning	Ramstad	Tennessen
Bernhagen	Hanson	Merriam	Renneke	Ulland
Bertram	Hughes	Moe, D.M.	Rued	Vega
Brataas	Humphrey	Moe, R.D.	Schmitz	Waldorf
Chmielewski	Johnson	Nelson	Setzepfandt	Wegener
Dahl	Keefe	Pehler	Sieloff	Willet
Davies	Knoll	Penny	Sikorski	
Davis	Kroening	Peterson, C.C.	Solon	

So the bill passed and its title was agreed to.

S. F. No. 1188: A bill for an act relating to human rights; clarifying the meaning of reprisal; permitting the filing of a charge of unfair discriminatory practice directly in district court; permitting access to certain documents; granting certain powers to the commissioner of human rights; amending Minnesota Statutes 1980, Sections 363.03, Subdivision 7; 363.06, Subdivisions 1, 3, and 4, and by adding a subdivision; 363.14, Subdivision 1; repealing Minnesota Statutes 1980, Section 363.04, Subdivision 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Dicklich	Kroening	Peterson, C.C.	Solon
Belanger	Dieterich	Kronebusch	Peterson, D.L.	Spear
Benson	Engler	Langseth	Peterson, R.W.	Stern
Berg	Frank	Lantry	Petty	Stokowski
Berglin	Frederick	Lessard	Pillsbury	Stumpf
Bernhagen	Frederickson	Luther	Purfeerst	Taylor
Bertram	Hanson	Menning	Ramstad	Tennessen
Brataas	Hughes	Merriam	Renneke	Ulland
Chmielewski	Humphrey	Moe, D.M.	Rued	Vega
Dahl	Johnson	Moe, R.D.	Setzepfandt	Waldorf
Davies	Keefe	Pehler	Sieloff	Wegener
Davis	Knoll	Penny	Sikorski	Willet

So the bill passed and its title was agreed to.

H. F. No. 484: A bill for an act relating to commerce; clarifying the definition of "continuing care"; providing for implementation of the continuing care facilities disclosure and rehabilitation act in a self-executing manner; amending Minnesota Statutes 1980, Sections 80D.01; 80D.02, Subdivision 2, and by adding a subdivision; 80D.03, Subdivision 1; 80D.04; 80D.05; 80D.06; 80D.08; 80D.09; 80D.11; 80D.13, Subdivision 1; 80D.14, Subdivisions 1 and 2; 80D.15; 80D.16; and 82.18; repealing Minnesota Statutes 1980, Sections 80D.02, Subdivision 3; 80D.03, Subdivisions 3 and 4; 80D.10; 80D.12; 80D.14, Subdivision 3; 80D.17; and 80D.18.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Peterson, D.L.	Spear
Bang	Dieterich	Langseth	Peterson, R.W.	Stern
Belanger	Engler	Lantry	Petty	Stokowski
Benson	Frank	Lessard	Pillsbury	Stumpf
Berg	Frederick	Luther	Purfeerst	Taylor
Berglin	Frederickson	Menning	Ramstad	Tennessen
Bernhagen	Hanson	Merriam	Renneke	Ulland
Bertram	Hughes	Moe, D.M.	Rued	Vega
Brataas	Humphrey	Moe, R.D.	Schmitz	Waldorf
Chmielewski	Johnson	Nelson	Setzepfandt	Wegener
Dahl	Keefe	Pehler	Sieloff	Willet
Davies	Knoll	Penny	Sikorski	
Davis	Kroening	Peterson, C.C.	Solon	

So the bill passed and its title was agreed to.

S. F. No. 1074: A bill for an act relating to natural resources; extending the permissible term of agricultural leases of state peat lands; amending Minnesota Statutes 1980, Section 92.50, Subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Peterson, R.W.	Stern
Bang	Dieterich	Langseth	Petty	Stokowski
Belanger	Engler	Lantry	Pillsbury	Stumpf
Benson	Frank	Luther	Purfeerst	Taylor
Berg	Frederick	Menning	Ramstad	Tennessen
Berglin	Frederickson	Merriam	Renneke	Ulland
Bernhagen	Hanson	Moe, D.M.	Rued	Vega
Bertram	Hughes	Moe, R.D.	Schmitz	Waldorf
Brataas	Humphrey	Nelson	Setzepfandt	Wegener
Chmielewski	Johnson	Pehler	Sieloff	Willet
Dahl	Keefe	Penny	Sikorski	
Davies	Knoll	Peterson, C.C.	Solon	
Davis	Kroening	Peterson, D.L.	Spear	

So the bill passed and its title was agreed to.

S. F. No. 890: A bill for an act relating to wild animals; increasing the

amount of the reward which may be paid for information relating to game law violations; amending Minnesota Statutes 1980, Section 97.51.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 1, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Lantry	Petty	Stokowski
Bang	Engler	Lessard	Pillsbury	Stumpf
Belanger	Frank	Luther	Purfeerst	Taylor
Benson	Frederick	Menning	Ramstad	Tennessen
Berg	Frederickson	Merriam	Renneke	Ulland
Berglin	Hanson	Moe, D.M.	Rued	Vega
Bertram	Hughes	Moe, R.D.	Schmitz	Waldorf
Brataas	Humphrey	Nelson	Setzepfandt	Wegener
Chmielewski	Johnson	Pehler	Sieloff	Willet
Dahl	Keefe	Penny	Sikorski	
Davies	Knoll	Peterson, C.C.	Solon	
Davis	Kronebusch	Peterson, D.L.	Spear	
Dicklich	Langseth	Peterson, R.W.	Stern	

Mr. Kroening voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 690: A bill for an act relating to retirement; contributions and benefits of judges and survivors under the uniform retirement and survivors' annuities law; amending Minnesota Statutes 1980, Section 490.124, Subdivisions 9 and 12.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 1, as follows:

Those who voted in the affirmative were:

Ashbach	Davis	Knoll	Penny	Sikorski
Bang	Dicklich	Kroening	Peterson, C.C.	Solon
Belanger	Dieterich	Kronebusch	Peterson, R.W.	Spear
Benson	Engler	Langseth	Petty	Stern
Berg	Frank	Lantry	Pillsbury	Stokowski
Berglin	Frederick	Lessard	Purfeerst	Stumpf
Bernhagen	Frederickson	Luther	Ramstad	Taylor
Bertram	Hanson	Menning	Renneke	Tennessen
Brataas	Hughes	Merriam	Rued	Ulland
Chmielewski	Humphrey	Moe, R.D.	Schmitz	Vega
Dahl	Johnson	Nelson	Setzepfandt	Waldorf
Davies	Keefe	Pehler	Sieloff	Willet

Mr. Moe, D.M. voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 556: A bill for an act relating to motor vehicles; providing for registration and regulating the display of plates and insignia; providing exemptions from registration and taxation for nonresident servicemen; specifying the time when the tax is due and payable; amending Minnesota Statutes 1980, Sections 168.04, Subdivision 1; 168.09, Subdivisions 1 and 3; and 168.31,

Subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Peterson, R.W.	Stern
Bang	Dieterich	Langseth	Petty	Stokowski
Belanger	Engler	Lantry	Pillsbury	Stumpf
Benson	Frank	Luther	Purfeerst	Taylor
Berg	Frederick	Menning	Ramstad	Tennessen
Berglin	Frederickson	Merriam	Renneke	Ulland
Bernhagen	Hanson	Moe, D.M.	Rued	Vega
Bertram	Hughes	Moe, R.D.	Schmitz	Waldorf
Brataas	Humphrey	Nelson	Setzepfandt	Wegener
Chmielewski	Johnson	Pehler	Sieloff	Willet
Dahl	Keefe	Penny	Sikorski	
Davies	Knoll	Peterson, C.C.	Solon	
Davis	Kroening	Peterson, D.L.	Spear	

So the bill passed and its title was agreed to.

S. F. No. 655: A bill for an act relating to financial institutions; permitting the sale of certain loans of credit unions; providing for the withdrawal of credit union members; amending Minnesota Statutes 1980, Sections 52.04 and 52.19.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 4, as follows:

Those who voted in the affirmative were:

Bang	Dicklich	Kroening	Peterson, R.W.	Stokowski
Belanger	Dieterich	Langseth	Petty	Stumpf
Benson	Engler	Lantry	Purfeerst	Taylor
Berg	Frank	Luther	Ramstad	Tennessen
Berglin	Frederick	Menning	Rued	Ulland
Bernhagen	Frederickson	Merriam	Schmitz	Vega
Bertram	Hanson	Moe, D.M.	Setzepfandt	Waldorf
Brataas	Hughes	Moe, R.D.	Sieloff	Wegener
Chmielewski	Humphrey	Nelson	Sikorski	Willet
Dahl	Johnson	Pehler	Solon	
Davies	Keefe	Peterson, C.C.	Spear	
Davis	Knoll	Peterson, D.L.	Stern	

Mrs. Kronebusch, Messrs. Penny, Pillsbury and Renneke voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 641: A bill for an act relating to financial institutions; providing for uniform administration of liquidity reserve requirements among deposit institutions; amending Minnesota Statutes 1980, Sections 46.04, Subdivision 1; 50.175; and 52.17; proposing new law coded in Minnesota Statutes, Chapters 48; and 51A; and repealing Minnesota Statutes 1980, Sections 48.22; and 51A.36.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Langseth	Peterson, R.W.	Stern
Bang	Dieterich	Lantry	Petty	Stokowski
Belanger	Engler	Lessard	Pillsbury	Stumpf
Benson	Frank	Luther	Purfeerst	Taylor
Berg	Frederick	Menning	Ramstad	Tennessen
Berglin	Frederickson	Merriam	Renneke	Ulland
Bernhagen	Hanson	Moe, D.M.	Rued	Vega
Bertram	Hughes	Moe, R.D.	Schmitz	Waldorf
Brataas	Johnson	Nelson	Setzepfandt	Wegener
Chmielewski	Keefe	Pehler	Sieloff	Willet
Dahl	Knoll	Penny	Sikorski	
Davies	Kroening	Peterson, C.C.	Solon	
Davis	Kronebusch	Peterson, D.L.	Spear	

So the bill passed and its title was agreed to.

S. F. No. 56: A bill for an act relating to insurance; broadening the scope of mandated group accident and health coverage for ambulatory mental health services; modifying certain comprehensive health insurance benefit requirements; amending Minnesota Statutes 1980, Sections 62A.152; and 62E.06, Subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 6, as follows:

Those who voted in the affirmative were:

Belanger	Dieterich	Kronebusch	Peterson, C.C.	Stern
Benson	Engler	Langseth	Peterson, D.L.	Stokowski
Berg	Frank	Lantry	Peterson, R.W.	Stumpf
Berglin	Frederick	Lessard	Petty	Taylor
Bernhagen	Frederickson	Luther	Purfeerst	Tennessen
Bertram	Hanson	Menning	Ramstad	Ulland
Brataas	Hughes	Merriam	Renneke	Vega
Chmielewski	Humphrey	Moe, D.M.	Schmitz	Wegener
Dahl	Johnson	Moe, R.D.	Setzepfandt	Willet
Davies	Keefe	Nelson	Sikorski	
Davis	Knoll	Pehler	Solon	
Dicklich	Kroening	Penny	Spear	

Those who voted in the negative were:

Ashbach	Pillsbury	Rued	Sieloff	Waldorf
Bang				

So the bill passed and its title was agreed to.

S. F. No. 672: A bill for an act relating to natural resources; authorizing the commissioner of natural resources to convey certain lands acquired for trail purposes.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 5, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Langseth	Peterson, D.L.	Solon
Bang	Engler	Lantry	Peterson, R.W.	Stern
Belanger	Frank	Lessard	Petty	Stokowski
Benson	Frederick	Lindgren	Pillsbury	Stumpf
Berg	Frederickson	Luther	Purfeerst	Taylor
Berglin	Hughes	Menning	Ramstad	Ulland
Bernhagen	Humphrey	Merriam	Renneke	Vega
Bertram	Johnson	Moe, D.M.	Rued	Waldorf
Chmielewski	Keefe	Moe, R.D.	Schmitz	Wegener
Dahl	Knoll	Nelson	Setzepfandt	Willet
Davies	Kroening	Penny	Sieloff	
Davis	Kronebusch	Peterson, C.C.	Sikorski	

Those who voted in the negative were:

Brataas	Dieterich	Pehler	Spear	Tennessen

So the bill passed and its title was agreed to.

S. F. No. 909: A bill for an act relating to agriculture; excluding pipeline companies from certain restrictions on acquisition of agricultural land; amending Minnesota Statutes 1980, Section 500.221, Subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 6, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Langseth	Peterson, R.W.	Stern
Bang	Frank	Lantry	Petty	Stokowski
Belanger	Frederick	Lessard	Pillsbury	Stumpf
Berg	Frederickson	Lindgren	Purfeerst	Taylor
Bernhagen	Hanson	Luther	Ramstad	Tennessen
Brataas	Hughes	Menning	Renneke	Ulland
Chmielewski	Humphrey	Merriam	Rued	Vega
Dahl	Johnson	Moe, R.D.	Schmitz	Waldorf
Davies	Keefe	Nelson	Setzepfandt	Wegener
Davis	Knoll	Penny	Sieloff	
Dicklich	Kroening	Peterson, C.C.	Sikorski	
Dieterich	Kronebusch	Peterson, D.L.	Solon	

Those who voted in the negative were:

Benson	Bertram	Pehler	Spear	Willet
Berglin				

So the bill passed and its title was agreed to.

H. F. No. 1015: A bill for an act relating to education; modifying the provisions governing teachers placed on unrequested leave of absence in experimental paired districts; amending Minnesota Statutes 1980, Section 122.85, Subdivision 4.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Peterson, C.C.	Spear
Bang	Dieterich	Langseth	Peterson, D.L.	Stokowski
Belanger	Engler	Lantry	Peterson, R.W.	Stumpf
Benson	Frank	Lessard	Petty	Taylor
Berg	Frederick	Lindgren	Pillsbury	Tennessen
Berglin	Frederickson	Luther	Purfeerst	Ulland
Bernhagen	Hanson	Menning	Ramstad	Vega
Bertram	Hughes	Merriam	Renneke	Waldorf
Brataas	Humphrey	Moe, D.M.	Rued	Wegener
Chmielewski	Johnson	Moe, R.D.	Schmitz	Willet
Dahl	Keefe	Nelson	Setzepfandt	
Davies	Knoll	Pehler	Sieloff	
Davis	Kroening	Penny	Solon	

So the bill passed and its title was agreed to.

S. F. No. 1132: A bill for an act relating to education; allowing area vocational-technical institutes to grant degrees under certain conditions; proposing new law coded in Minnesota Statutes, Chapter 121.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 2, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Langseth	Petty	Stokowski
Belanger	Engler	Lantry	Pillsbury	Stumpf
Benson	Frank	Lessard	Purfeerst	Taylor
Berg	Frederick	Lindgren	Ramstad	Tennessen
Berglin	Frederickson	Luther	Renneke	Ulland
Bernhagen	Hanson	Merriam	Rued	Vega
Bertram	Hughes	Moe, D.M.	Schmitz	Waldorf
Brataas	Humphrey	Moe, R.D.	Setzepfandt	Wegener
Chmielewski	Johnson	Nelson	Sieloff	Willet
Dahl	Keefe	Penny	Sikorski	
Davies	Knoll	Peterson, C.C.	Solon	
Davis	Kroening	Peterson, D.L.	Spear	
Dicklich	Kronebusch	Peterson, R.W.	Stern	

Messrs. Bang and Pehler voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 681: A bill for an act relating to retirement; reducing a certain deduction from amounts available to pay post-retirement adjustments; appropriating funds; amending Minnesota Statutes 1980, Section 11A.18, Subdivision 9.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dahl	Hanson	Lessard	Penny
Bang	Davies	Humphrey	Lindgren	Peterson, C.C.
Belanger	Davis	Johnson	Luther	Peterson, D.L.
Benson	Dicklich	Keefe	Menning	Peterson, R.W.
Berg	Dieterich	Knoll	Merriam	Petty
Berglin	Engler	Kroening	Moe, D.M.	Pillsbury
Bernhagen	Frank	Kronebusch	Moe, R.D.	Purfeerst
Bertram	Frederick	Langseth	Nelson	Ramstad
Chmielewski	Frederickson	Lantry	Pehler	Renneke

Rued	Sikorski	Stokowski	Ulland	Willet
Schmitz	Solon	Stumpf	Vega	
Setzepfandt	Spear	Taylor	Waldorf	
Sieloff	Stern	Tennessen	Wegener	

So the bill passed and its title was agreed to.

S. F. No. 1174: A bill for an act relating to retirement; local police relief associations; authorizing the payment of benefits outside the United States in certain instances; proposing new law coded in Minnesota Statutes, Chapter 423; repealing Minnesota Statutes 1980, Section 423.811.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Langseth	Peterson, R.W.	Stokowski
Bang	Engler	Lantry	Petty	Stumpf
Belanger	Frank	Lessard	Pillsbury	Taylor
Benson	Frederick	Lindgren	Purfeerst	Tennessen
Berglin	Frederickson	Luther	Ramstad	Ulland
Bernhagen	Hanson	Menning	Renneke	Vega
Bertram	Hughes	Merriam	Rued	Waldorf
Brataas	Humphrey	Moe, D.M.	Schmitz	Wegener
Chmielewski	Johnson	Moe, R.D.	Setzepfandt	Willet
Dahl	Keefe	Nelson	Sieloff	
Davies	Knoll	Pehler	Sikorski	
Davis	Kroening	Penny	Solon	
Dicklich	Kronebusch	Peterson, D.L.	Spear	

So the bill passed and its title was agreed to.

S. F. No. 814: A bill for an act relating to metropolitan government; removing the city of Victoria from the metropolitan transit taxing district; amending Minnesota Statutes 1980, Section 473.446, Subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 5, as follows:

Those who voted in the affirmative were:

Ashbach	Davis	Lantry	Peterson, R.W.	Stern
Bang	Dicklich	Lessard	Petty	Stokowski
Belanger	Engler	Lindgren	Pillsbury	Stumpf
Benson	Frank	Luther	Purfeerst	Taylor
Berg	Frederick	Menning	Ramstad	Tennessen
Berglin	Frederickson	Merriam	Renneke	Ulland
Bernhagen	Hanson	Moe, D.M.	Rued	Vega
Bertram	Hughes	Moe, R.D.	Schmitz	Waldorf
Brataas	Johnson	Nelson	Setzepfandt	Willet
Chmielewski	Knoll	Penny	Sieloff	
Dahl	Kronebusch	Peterson, C.C.	Sikorski	
Davies	Langseth	Peterson, D.L.	Solon	

Those who voted in the negative were:

Dieterich	Keefe	Kroening	Pehler	Spear

So the bill passed and its title was agreed to.

H. F. No. 739: A bill for an act relating to local government; regulating the tax levy of the joint recreation and park board of the city of Hibbing and Independent School District 701; amending Laws 1971, Chapter 573, Section 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 3, as follows:

Those who voted in the affirmative were:

Ashbach	Davis	Knoll	Nelson	Solon
Bang	Dicklich	Kroening	Penny	Spear
Belanger	Dieterich	Kronebusch	Peterson, C.C.	Stern
Benson	Engler	Langseth	Peterson, R.W.	Stokowski
Berg	Frank	Lantry	Petty	Stumpf
Berglin	Frederick	Lessard	Pillsbury	Taylor
Bernhagen	Frederickson	Lindgren	Ramstad	Tennessen
Bertram	Hanson	Luther	Renneke	Ulland
Brataas	Hughes	Menning	Rued	Vega
Chmielewski	Humphrey	Merriam	Schmitz	Waldorf
Dahl	Johnson	Moe, D.M.	Setzepfandt	Wegener
Davies	Keefe	Moe, R.D.	Sieloff	Willet

Messrs. Pehler, Peterson, D.L. and Purfeerst voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 1106: A bill for an act relating to retirement; clarifying certain ambiguous provisions; correcting certain oversights, inconsistencies, unintended results and erroneous provisions; eliminating certain redundant, obsolete or conflicting provisions; amending Minnesota Statutes 1980, Sections 3.85, Subdivision 3; 3A.01, Subdivisions 2 and 7; 3A.02, Subdivision 1; 3A.04, Subdivisions 1, 1a, 2 and 4; 3A.05; 3A.09; 3A.11, Subdivisions 1 and 2; 3A.12, Subdivision 1; 11A.17, Subdivision 11; 11A.23, Subdivision 2; 15A.083, Subdivision 3; 16A.19; 43.051, Subdivision 4; 69.011, Subdivision 1; 69.031, Subdivisions 5 and 6; 69.051, Subdivision 1; 69.77, Subdivisions 1, 1a, 2 and 2a; 69.772, Subdivisions 2 and 2a; 69.773, Subdivision 2; 118.01, Subdivision 11; 136.80, Subdivision 1; 136.81; 136.82; 136.83; 136.85; 136.87, Subdivisions 1 and 2; 275.125, Subdivision 6a; 275.50, Subdivision 5; 352.01, Subdivisions 2A, 11, 19 and 23; 352.029, Subdivision 1; 352.03, Subdivision 6; 352.113, Subdivision 4; 352.115, Subdivision 10; 352.116, Subdivision 3; 352.12, Subdivision 11; 352.22, Subdivisions 2a, 3 and 10; 352.72, Subdivisions 2 and 4; 352.75; 352.85, by adding a subdivision; 352.90; 352.91, Subdivision 2; 352B.02, Subdivision 1; 352B.08, Subdivision 2; 352B.11, Subdivision 2; 352B.26, Subdivisions 1 and 3; 352C.031, by adding a subdivision; 352C.04, Subdivision 1; 352D.02, Subdivisions 1 and 2; 352D.04, Subdivision 2; 352D.09, Subdivision 1; 352E.01, Subdivision 1; 353.01, Subdivisions 6, 7 and 10; 353.023; 353.03, Subdivision 1; 353.16; 353.28, Subdivisions 6 and 8; 353.29, Subdivision 4; 353.30, Subdivision 1c; 353.31, Subdivisions 1 and 9; 353.32, Subdivision 1a; 353.33, Subdivision 2; 353.34, Subdivision 3; 353.36, Subdivision 2; 353.37, Subdivisions 1 and 1a; 353.46, Subdivision 1a, and by adding a subdivision; 353.64, by adding a subdivision; 353.656, Subdivision 6; 353.71, Subdivision 1; 354.05, Subdivisions 2, 13, 24, 25 and 26; 354.06, Subdivision 1; 354.07, Subdivision 1; 354.43, Subdivision 4; 354.44, Sub-

divisions 1a, 4, 5, 6, 7 and 8; 354.47, Subdivision 1; 354.48, Subdivision 10, and by adding a subdivision; 354.50, Subdivision 2; 354.51, Subdivisions 1, 4 and 5; 354.52, Subdivisions 2, 3 and 4; 354.53, Subdivisions 1 and 3; 354.55, Subdivision 11; 354.56; 354.57; 354.60; 354.62, Subdivision 5; 354.66; 354.69; 354A.011, Subdivision 27; 354A.091, Subdivisions 1 and 6; 354A.092; 354A.094, Subdivisions 3, 8, 11, and by adding a subdivision; 354A.31, Subdivision 3; 354A.35, Subdivisions 2 and 3; 355.07; 355.11, Subdivisions 2, 4 and 5; 355.13, Subdivision 2; 355.21, Subdivisions 2 and 4; 355.22; 355.23, Subdivision 1; 355.29, Subdivisions 1, 3 and 4; 355.311, Subdivisions 1, 2 and 4; 355.41, Subdivisions 2, 3, 4 and 7; 355.46, Subdivision 3; 355.71, Subdivision 6; 355.72; 355.73, by adding a subdivision; 356.18, Subdivision 1; 356.20; 356.215; 356.216; 356.22, Subdivision 1; 356.24; 356.25; 356.32, Subdivision 1; 356.39; 356.45, Subdivision 2; 356.60, Subdivision 1; 422A.01, Subdivision 11; 422A.06, Subdivisions 2, 3 and 5; 422A.08, Subdivisions 1 and 5; 422A.09, Subdivision 3; 422A.101; 422A.11, Subdivision 1; 422A.15, Subdivision 1; 422A.16, Subdivision 8; 422A.22, Subdivision 2; 422A.23, Subdivision 5; 422A.24; 422A.26; 423.075, Subdivision 1; 423.38; 423.801, Subdivision 2; 423.802; 423.805; 423.806, Subdivision 1; 423.807, Subdivisions 1 and 2; 423.808; 423.809, Subdivisions 1 and 2; 423.810, Subdivision 1; 423.815, Subdivision 1; 423A.04; 424A.02, Subdivisions 1 and 8; 424A.04; 424A.05, Subdivision 1; 458.18, Subdivision 1; 484.61; 484.68, Subdivision 8; 487.01, Subdivisions 7 and 9; 488A.115; 488A.285; 490.101, Subdivision 2; 490.106; 490.107; 490.12, by adding a subdivision; 490.121, Subdivisions 1, 4, 6 and 7; 490.122; 490.123, Subdivision 1; 490.124, Subdivisions 1, 2, 6 and 10; 490.126, Subdivision 1; 490.129; and 490.132; Laws 1955, Chapter 75, Section 12, Subdivision 2, as amended; Laws 1959, Chapter 131, Section 10, Subdivision 1, as amended; Laws 1965, Chapters 446, Section 7, Subdivision 1, as amended; 458, Section 3, Subdivision 2, as amended; and 498, Section 1, Subdivision 1, as amended; Laws 1967, Chapters 575, Section 9, Subdivision 2; 742, Section 2; 775, Section 8, as amended; 798, Section 1, Subdivision 1, as amended; and 815, Section 8, Subdivision 1; Laws 1969, Chapters 526, Section 11, Subdivision 1; 576, Section 1, Subdivision 1, as amended; 641, Section 2, Subdivision 1, as amended; 719, Section 2; 1088, Section 8, Subdivision 1, as amended; and 1105, Section 4; Laws 1971, Chapters 51, Sections 9, as amended, and 10, Subdivision 2, as amended; 114, Section 8, Subdivision 1; 184, Sections 4 and 5; 214, Section 10; 407, Section 1, Subdivisions 2 and 3; 614, Section 2; and 810, Section 7, as amended; Laws 1973, Chapters 304, Section 3, Subdivision 1; and 587, Section 1, Subdivisions 3, as amended, and 5, as amended; Laws 1974, Chapter 251, Section 1, Subdivisions 2 and 3; Laws 1975, Chapter 424, Section 11, as amended; Laws 1976, Chapter 36, Sections 2, 3 and 4; Laws 1977, Chapter 61, Section 5, Subdivision 2, as amended; and Laws 1978, Chapter 689, Sections 4, Subdivision 2, and 8; proposing new law coded in Minnesota Statutes, Chapters 345, 352, 353, 355 and 356; repealing Minnesota Statutes 1980, Sections 136.86; 352.115, Subdivision 13; 352.1181; 352B.075; 352D.10; 354.09, Subdivisions 1 and 4; 354.41, Subdivisions 6 and 8; 355.302; 355.303; 355.304; 355.305; 355.306; 355.307; 355.308; 355.309; 355.53; 355.73, Subdivisions 5, 6 and 7; 356.18, Subdivision 2; 422A.01, Subdivisions 14, 15 and 16; 422A.08, Subdivisions 2, 3, 4 and 6; 422A.081; 422A.091; 422A.30; 422A.31; 422A.32; 422A.33; 422A.34; 422A.35; 422A.39; 423.075, Subdivision 2; 423.815, Subdivision 3; 487.06; 490.104; 490.127; 490.128; and 490.13; Laws 1969, Chapter 252; Laws 1973, Chapter 481; Laws 1975, Chapter 429; Laws 1978, Chapter 538, Section 6; and Laws 1980, Chapters 342, Section 20; and 509, Section 135.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Peterson, C.C.	Solon
Bang	Dieterich	Langseth	Peterson, D.L.	Spear
Belanger	Engler	Lantry	Peterson, R.W.	Stern
Benson	Frank	Lessard	Petty	Stokowski
Berg	Frederick	Lindgren	Pillsbury	Stumpf
Berglin	Frederickson	Luther	Purfeerst	Taylor
Bernhagen	Hanson	Menning	Ramstad	Tennessen
Bertram	Hughes	Merriam	Renneke	Ulland
Brataas	Humphrey	Moe, D.M.	Rued	Vega
Chmielewski	Johnson	Moe, R.D.	Schmitz	Waldorf
Dahl	Keefe	Nelson	Setzepfandt	Wegener
Davies	Knoll	Pehler	Sieloff	Willet
Davis	Kroening	Penny	Sikorski	

So the bill passed and its title was agreed to.

S. F. No. 1126: A bill for an act relating to insurance; providing for continued health and accident coverage for former spouses and children after dissolution of the marriage in certain circumstances; amending Minnesota Statutes 1980, Section 62A.21, Subdivision 3, and by adding subdivisions; repealing Minnesota Statutes 1980, Section 62A.21, Subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Peterson, C.C.	Solon
Bang	Dieterich	Langseth	Peterson, D.L.	Spear
Belanger	Engler	Lantry	Peterson, R.W.	Stern
Benson	Frank	Lessard	Petty	Stokowski
Berg	Frederick	Lindgren	Pillsbury	Stumpf
Berglin	Frederickson	Luther	Purfeerst	Taylor
Bernhagen	Hanson	Menning	Ramstad	Tennessen
Bertram	Hughes	Merriam	Renneke	Ulland
Brataas	Humphrey	Moe, D.M.	Rued	Vega
Chmielewski	Johnson	Moe, R.D.	Schmitz	Waldorf
Dahl	Keefe	Nelson	Setzepfandt	Wegener
Davies	Knoll	Pehler	Sieloff	Willet
Davis	Kroening	Penny	Sikorski	

So the bill passed and its title was agreed to.

S. F. No. 662: A bill for an act relating to commerce; providing for examinations of financial institutions; providing for the proportioning of annual assessments; providing a penalty for failure to pay certain fees and assessments; providing uniform retention periods for records; clarifying the definition of financial institution; expanding the definition of municipality to include townships with a bank; clarifying the distance drive-in or walk-up facilities may be located from a detached facility under certain circumstances; clarifying the notice and approval procedures and judicial review procedures for detached facilities; providing that voting equity in a bank's holding company satisfies

the stock requirement of a director; providing additional time for submitting certain bank reports and authorizes acceptance of certain substitute reports; modifying the definition of "demand deposits"; clarifying certain withdrawal provisions applicable to savings associations; requiring credit unions to obtain a commitment for insurance of accounts prior to approval of its application for organization; expanding the exemption from the licensing requirement for sales finance companies to include certain other financial institutions; providing for a compliance exam of sales finance companies once every two years instead of annually; removing the requirement that a state bank's name contain the words "state bank"; removing an obsolete provision; amending Minnesota Statutes 1980, Sections 46.04, Subdivision 1; 46.131, Subdivisions 4 and 9; 46.21; 47.015, Subdivision 1; 47.51; 47.52; 47.54; 48.06; 48.34; 48.48; 48.51; 51A.33; 52.01; 168.67; 168.705; and 300.025; repealing Minnesota Statutes 1980, Sections 46.131, Subdivision 6; and 47.17.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Peterson, C.C.	Solon
Bang	Dieterich	Langseth	Peterson, D.L.	Spear
Belanger	Engler	Lantry	Peterson, R.W.	Stern
Benson	Frank	Lessard	Petty	Stokowski
Berg	Frederick	Lindgren	Pillsbury	Stumpf
Berglin	Frederickson	Luther	Purfeerst	Taylor
Bernhagen	Hanson	Menning	Ramstad	Tennessen
Bertram	Hughes	Merriam	Renneke	Ulland
Brataas	Humphrey	Moe, D.M.	Rued	Vega
Chmielewski	Johnson	Moe, R.D.	Schmitz	Waldorf
Dahl	Keefe	Nelson	Setzepfandt	Wegener
Davies	Knoll	Pehler	Sieloff	Willet
Davis	Kroening	Penny	Sikorski	

So the bill passed and its title was agreed to.

H. F. No. 1088: A bill for an act relating to the secretary of state; requiring that government survey documents be maintained on microfilm; providing for filing certain documents with the Minnesota historical society; amending Minnesota Statutes 1980, Section 5.03.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Peterson, C.C.	Solon
Bang	Dieterich	Langseth	Peterson, D.L.	Spear
Belanger	Engler	Lantry	Peterson, R.W.	Stern
Benson	Frank	Lessard	Petty	Stokowski
Berg	Frederick	Lindgren	Pillsbury	Stumpf
Berglin	Frederickson	Luther	Purfeerst	Taylor
Bernhagen	Hanson	Menning	Ramstad	Tennessen
Bertram	Hughes	Merriam	Renneke	Ulland
Brataas	Humphrey	Moe, D.M.	Rued	Vega
Chmielewski	Johnson	Moe, R.D.	Schmitz	Waldorf
Dahl	Keefe	Nelson	Setzepfandt	Wegener
Davies	Knoll	Pehler	Sieloff	Willet
Davis	Kroening	Penny	Sikorski	

So the bill passed and its title was agreed to.

H. F. No. 365: A bill for an act relating to building code inspectors; authorizing certain municipalities to choose between two options to enforce the provisions of the building code related to access for handicapped persons; amending Minnesota Statutes 1980, Section 16.861, by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Peterson, C.C.	Solon
Bang	Dieterich	Langseth	Peterson, D.L.	Spear
Belanger	Engler	Lantry	Peterson, R.W.	Stern
Benson	Frank	Lessard	Petty	Stokowski
Berg	Frederick	Lindgren	Pillsbury	Stumpf
Berglin	Frederickson	Luther	Purfeerst	Taylor
Bernhagen	Hanson	Menning	Ramstad	Tennessen
Bertram	Hughes	Merriam	Renneke	Vega
Brataas	Humphrey	Moe, D.M.	Rued	Waldorf
Chmielewski	Johnson	Moe, R.D.	Schmitz	Wegener
Dahl	Keefe	Nelson	Setzepfandt	Willet
Davies	Knoll	Pehler	Sieloff	
Davis	Kroening	Penny	Sikorski	

So the bill passed and its title was agreed to.

H. F. No. 189: A bill for an act relating to governmental operations; prohibiting the use of state government vehicles for nongovernmental functions; prohibiting compensation of employees for use of personal vehicles for nongovernmental purposes; amending Minnesota Statutes 1980, Section 16.753.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Peterson, C.C.	Stern
Bang	Dieterich	Langseth	Peterson, R.W.	Stokowski
Belanger	Engler	Lantry	Petty	Stumpf
Benson	Frank	Lessard	Purfeerst	Taylor
Berg	Frederick	Lindgren	Ramstad	Tennessen
Berglin	Frederickson	Luther	Renneke	Ulland
Bernhagen	Hanson	Menning	Rued	Vega
Bertram	Hughes	Merriam	Schmitz	Waldorf
Brataas	Humphrey	Moe, D.M.	Setzepfandt	Wegener
Chmielewski	Johnson	Moe, R.D.	Sieloff	Willet
Dahl	Keefe	Nelson	Sikorski	
Davies	Knoll	Pehler	Solon	
Davis	Kroening	Penny	Spear	

So the bill passed and its title was agreed to.

H. F. No. 996: A bill for an act relating to retirement; making various administrative changes in the teachers retirement law; authorizing a medical advisor; payment of shortages in member deductions; amending Minnesota Statutes 1980, Sections 354.06, Subdivisions 2 and 2a; 354.091; 354.092; 354.41, by adding a subdivision; 354.44, Subdivisions 4 and 8; 354.48,

Subdivisions 2, 4, and by adding a subdivision; 354.51, Subdivision 5; 354.52, Subdivision 4; and 354.62, Subdivisions 4 and 5.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Peterson, C.C.	Spear
Bang	Dieterich	Langseth	Peterson, D.L.	Stern
Belanger	Engler	Lantry	Peterson, R.W.	Stokowski
Benson	Frank	Lessard	Petty	Stumpf
Berg	Frederick	Lindgren	Pillsbury	Taylor
Berglin	Frederickson	Luther	Ramstad	Tennessen
Bernhagen	Hanson	Menning	Renneke	Vega
Bertram	Hughes	Merriam	Rued	Waldorf
Brataas	Humphrey	Moe, D.M.	Schmitz	Wegener
Chmielewski	Johnson	Moe, R.D.	Setzepfandt	Willet
Dahl	Keefe	Nelson	Sieloff	
Davies	Knoll	Pehler	Sikorski	
Davis	Kroening	Penny	Solon	

So the bill passed and its title was agreed to.

H. F. No. 536: A bill for an act relating to retirement; city of St. Paul public housing agency; transferring retirement coverage for certain public employees; amending Laws 1977, Chapter 228, Section 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 8, as follows:

Those who voted in the affirmative were:

Ashbach	Frank	Luther	Pillsbury	Stumpf
Berg	Frederickson	Menning	Purfeerst	Taylor
Berglin	Hanson	Merriam	Ramstad	Tennessen
Bernhagen	Hughes	Moe, D.M.	Renneke	Ulland
Bertram	Humphrey	Moe, R.D.	Rued	Vega
Brataas	Johnson	Nelson	Schmitz	Waldorf
Chmielewski	Knoll	Pehler	Setzepfandt	Wegener
Dahl	Kroening	Penny	Sikorski	Willet
Davies	Langseth	Peterson, C.C.	Solon	
Davis	Lantry	Peterson, D.L.	Spear	
Dicklich	Lessard	Peterson, R.W.	Stern	
Dieterich	Lindgren	Petty	Stokowski	

Those who voted in the negative were:

Bang	Benson	Frederick	Kronebusch	Sieloff
Belanger	Engler	Keefe		

So the bill passed and its title was agreed to.

H. F. No. 976: A bill for an act relating to retirement; Minneapolis teachers retirement fund association; authorizing the establishment of a lump sum post retirement adjustment program; authorizing service credit for parental leaves.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 1, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Langseth	Peterson, R.W.	Stern
Bang	Dieterich	Lantry	Petty	Stokowski
Belanger	Engler	Lessard	Pillsbury	Stumpf
Benson	Frank	Luther	Purfeerst	Taylor
Berg	Frederick	Menning	Ramstad	Tennessen
Berglin	Frederickson	Merriam	Renneke	Ulland
Bernhagen	Hanson	Moe, D.M.	Rued	Vega
Bertram	Hughes	Moe, R.D.	Schmitz	Waldorf
Brataas	Humphrey	Nelson	Setzepfandt	Wegener
Chmielewski	Johnson	Pehler	Sieloff	Willet
Dahl	Keefe	Penny	Sikorski	
Davies	Knoll	Peterson, C.C.	Solon	
Davis	Kroening	Peterson, D.L.	Spear	

Mrs. Kronebusch voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 1080: A bill for an act relating to children; authorizing counties to establish multidisciplinary child protection teams; proposing new law coded in Minnesota Statutes, Chapter 626.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Langseth	Peterson, D.L.	Spear
Bang	Engler	Lantry	Peterson, R.W.	Stern
Belanger	Frank	Lessard	Petty	Stokowski
Benson	Frederick	Lindgren	Pillsbury	Stumpf
Berglin	Frederickson	Luther	Purfeerst	Taylor
Bernhagen	Hanson	Menning	Ramstad	Tennessen
Bertram	Hughes	Merriam	Renneke	Ulland
Brataas	Humphrey	Moe, D.M.	Rued	Vega
Chmielewski	Johnson	Moe, R.D.	Schmitz	Waldorf
Dahl	Keefe	Nelson	Setzepfandt	Wegener
Davies	Knoll	Pehler	Sieloff	Willet
Davis	Kroening	Penny	Sikorski	
Dicklich	Kronebusch	Peterson, C.C.	Solon	

So the bill passed and its title was agreed to.

S. F. No. 945: A bill for an act relating to public welfare; defining homestead for purposes of receiving medical assistance and aid to families with dependent children; amending Minnesota Statutes 1980, Sections 256.73, Subdivision 2; and 256B.06, Subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 1, as follows:

Those who voted in the affirmative were:

Ashbach	Berglin	Dahl	Frank	Humphrey
Bang	Bernhagen	Davies	Frederick	Johnson
Belanger	Bertram	Davis	Frederickson	Keefe
Benson	Brataas	Dieterich	Hanson	Knoll
Berg	Chmielewski	Engler	Hughes	Kroening

Kronebusch	Moe, D.M.	Petty	Sieloff	Tennessen
Langseth	Moe, R.D.	Pillsbury	Sikorski	Ulland
Lantry	Nelson	Purfeerst	Solon	Vega
Lessard	Pehler	Ramstad	Spear	Waldorf
Lindgren	Penny	Renneke	Stern	Wegener
Luther	Peterson, C.C.	Rued	Stokowski	Willet
Menning	Peterson, D.L.	Schmitz	Stumpf	
Merriam	Peterson, R.W.	Setzepfandt	Taylor	

Mr. Dicklich voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 207: A bill for an act relating to retirement; making various changes in the laws governing the operation of the public employees retirement association; amending Minnesota Statutes 1980, Section 353.01, Subdivision 19; 353.03, Subdivisions 1, 2, and 3a; 353.15; 353.27, Subdivision 4; 353.28, Subdivision 5; 353.29, Subdivision 8; 353.31, Subdivision 1; 353.32, Subdivision 9; 353.33, Subdivisions 4, 5, and 6; 353.64, Subdivisions 1 and 6; 353.656, Subdivision 2; and 353.657, Subdivision 3; repealing Minnesota Statutes 1980, Sections 353.272; 353.37, Subdivision 1a; and 353.46, Subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 2, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Langseth	Peterson, D.L.	Solon
Belanger	Engler	Lantry	Peterson, R.W.	Spear
Benson	Frank	Lessard	Petty	Stern
Berg	Frederick	Luther	Pillsbury	Stokowski
Berglin	Frederickson	Menning	Purfeerst	Stumpf
Bernhagen	Hanson	Merriam	Ramstad	Taylor
Bertram	Hughes	Moe, D.M.	Renneke	Tennessen
Brataas	Humphrey	Moe, R.D.	Rued	Ulland
Chmielewski	Keefe	Nelson	Schmitz	Vega
Dahl	Knoll	Pehler	Setzepfandt	Waldorf
Davies	Kroening	Penny	Sieloff	Wegener
Davis	Kronebusch	Peterson, C.C.	Sikorski	Willet

Messrs. Dicklich and Johnson voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 558: A bill for an act relating to the city of Robbinsdale; providing that certain tax increment backed bond issues shall be exempt from net debt limits.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 50 and nays 12, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Keefe	Nelson	Sieloff
Bang	Dieterich	Kroening	Penny	Sikorski
Belanger	Engler	Langseth	Petty	Solon
Benson	Frank	Lantry	Pillsbury	Stern
Berg	Frederick	Lessard	Purfeerst	Stokowski
Bernhagen	Frederickson	Lindgren	Ramstad	Taylor
Bertram	Hanson	Luther	Renneke	Ulland
Brataas	Hughes	Menning	Rued	Vega
Chmielewski	Humphrey	Moe, D.M.	Schmitz	Waldorf
Davis	Johnson	Moe, R.D.	Setzepfandt	Wegener

Those who voted in the negative were:

Berglin	Kronebusch	Peterson, C.C.	Spear	Tennessen
Dahl	Merriam	Peterson, R.W.	Stumpf	Willet
Davies	Pehler			

So the bill passed and its title was agreed to.

H. F. No. 928: A bill for an act relating to the city of Isanti; authorizing the city to issue general obligation bonds for the acquisition and betterment of a municipal building.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Langseth	Peterson, R.W.	Stern
Bang	Dieterich	Lantry	Petty	Stokowski
Belanger	Engler	Lessard	Pillsbury	Stumpf
Benson	Frank	Lindgren	Purfeerst	Taylor
Berg	Frederick	Luther	Ramstad	Tennessen
Berglin	Frederickson	Menning	Renneke	Ulland
Bernhagen	Hanson	Merriam	Rued	Vega
Bertram	Hughes	Moe, D.M.	Schmitz	Waldorf
Brataas	Humphrey	Moe, R.D.	Setzepfandt	Wegener
Chmielewski	Johnson	Nelson	Sieloff	Willet
Dahl	Keefe	Pehler	Sikorski	
Davies	Kroening	Penny	Solon	
Davis	Kronebusch	Peterson, C.C.	Spear	

So the bill passed and its title was agreed to.

H. F. No. 567: A bill for an act relating to retirement; teachers retirement association and teacher retirement fund associations in cities of the first class; allowing certain types of survivor coverage be provided to a designated beneficiary instead of a surviving spouse; requiring public pension funds to provide information concerning optional annuity forms with retirement application form; requiring the signature of the spouse of a member on the retirement application form in certain instances; amending Minnesota Statutes 1980, Sections 354.46, Subdivisions 1 and 2, and by adding a subdivision; 354.47, Subdivision 1; and 354A.35, by adding a subdivision; and proposing new law coded in Minnesota Statutes, Chapter 356.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Langseth	Peterson, R.W.	Stern
Bang	Dieterich	Lantry	Petty	Stokowski
Belanger	Engler	Lessard	Pillsbury	Stumpf
Benson	Frank	Lindgren	Purfeerst	Taylor
Berg	Frederick	Luther	Ramstad	Tennessen
Berglin	Frederickson	Menning	Renneke	Ulland
Bernhagen	Hanson	Merriam	Rued	Vega
Bertram	Hughes	Moe, D.M.	Schmitz	Waldorf
Brataas	Humphrey	Moe, R.D.	Setzepfandt	Wegener
Chmielewski	Keefe	Nelson	Sieloff	Willet
Dahl	Knoll	Pehler	Sikorski	
Davies	Kroening	Penny	Solon	
Davis	Kronebusch	Peterson, C.C.	Spear	

So the bill passed and its title was agreed to.

S. F. No. 167: A bill for an act relating to the city of Moorhead; increasing the amount which the city may expend for public transportation services; amending Laws 1969, Chapter 192, Section 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Peterson, C.C.	Spear
Bang	Dieterich	Langseth	Peterson, R.W.	Stern
Belanger	Engler	Lantry	Petty	Stokowski
Benson	Frank	Lessard	Pillsbury	Stumpf
Berg	Frederick	Lindgren	Purfeerst	Taylor
Berglin	Frederickson	Luther	Ramstad	Tennessen
Bernhagen	Hanson	Menning	Renneke	Ulland
Bertram	Hughes	Merriam	Rued	Vega
Brataas	Humphrey	Moe, D.M.	Schmitz	Waldorf
Chmielewski	Johnson	Moe, R.D.	Setzepfandt	Wegener
Dahl	Keefe	Nelson	Sieloff	Willet
Davies	Knoll	Pehler	Sikorski	
Davis	Kroening	Penny	Solon	

So the bill passed and its title was agreed to.

H. F. No. 395: A bill for an act relating to state government; allowing other public employees, as well as spouses of state and other public employees, to participate in state employee van pools under certain circumstances; amending Minnesota Statutes 1980, Section 16.756, by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Peterson, C.C.	Spear
Bang	Dieterich	Langseth	Peterson, R.W.	Stern
Belanger	Engler	Lantry	Petty	Stokowski
Benson	Frank	Lessard	Pillsbury	Stumpf
Berg	Frederick	Lindgren	Purfeerst	Taylor
Berglin	Frederickson	Luther	Ramstad	Ulland
Bernhagen	Hanson	Menning	Renneke	Vega
Bertram	Hughes	Merriam	Rued	Waldorf
Brataas	Humphrey	Moe, D.M.	Schmitz	Wegener
Chmielewski	Johnson	Moe, R.D.	Setzepfandt	Willet
Dahl	Keefe	Nelson	Sieloff	
Davies	Knoll	Pehler	Sikorski	
Davis	Kroening	Penny	Solon	

So the bill passed and its title was agreed to.

H. F. No. 893: A bill for an act relating to transportation; authorizing the purchase of the closed combination railroad and highway bridge connecting St. Paul Park in Washington County and Inver Grove Heights in Dakota County, and authorizing its operation as a toll bridge by a private business entity; providing for the regulation of the operation and maintenance of the bridge and the establishment of maximum toll charges by the counties of Washington and

Dakota.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 51 and nays 13, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Lantry	Petty	Stern
Bang	Engler	Lessard	Pillsbury	Stokowski
Belanger	Frank	Lindgren	Purfeerst	Taylor
Benson	Frederick	Menning	Ramstad	Ulland
Berg	Frederickson	Moe, D.M.	Renneke	Vega
Bernhagen	Hanson	Moe, R.D.	Rued	Waldorf
Bertram	Hughes	Nelson	Schmitz	Wegener
Brataas	Johnson	Penny	Setzepfandt	
Chmielewski	Knoll	Peterson, C.C.	Sieloff	
Dahl	Kroening	Peterson, D.L.	Sikorski	
Davis	Langseth	Peterson, R.W.	Solon	

Those who voted in the negative were:

Berglin	Humphrey	Luther	Spear	Willet
Davies	Keefe	Merriam	Stumpf	
Dieterich	Kronebusch	Pehler	Tennessen	

So the bill passed and its title was agreed to.

H. F. No. 704: A bill for an act relating to motor vehicles; providing for the taxation and registration of certain collector's vehicles; including additional vehicles entitled to classic car license plates; increasing the tax thereon; amending Minnesota Statutes 1980, Section 168.10, Subdivision 1b.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 1, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Langseth	Peterson, D.L.	Stokowski
Bang	Engler	Lantry	Peterson, R.W.	Stumpf
Belanger	Frank	Lessard	Petty	Taylor
Benson	Frederick	Lindgren	Pillsbury	Tennessen
Berglin	Frederickson	Luther	Purfeerst	Ulland
Bernhagen	Hanson	Menning	Ramstad	Vega
Bertram	Hughes	Merriam	Renneke	Waldorf
Brataas	Humphrey	Moe, D.M.	Schmitz	Wegener
Chmielewski	Johnson	Moe, R.D.	Sieloff	Willet
Dahl	Keefe	Nelson	Sikorski	
Davies	Knoll	Pehler	Solon	
Davis	Kroening	Penny	Spear	
Dicklich	Kronebusch	Peterson, C.C.	Stern	

Mr. Setzepfandt voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 823: A bill for an act relating to transportation; regulating apportionment from the municipal state-aid street fund; providing for the inclusion of certain cities in the 1981 apportionment of municipal state-aid street funds.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Peterson, C.C.	Solon
Bang	Dieterich	Langseth	Peterson, D.L.	Spear
Belanger	Engler	Lantry	Peterson, R.W.	Stern
Benson	Frank	Lessard	Petty	Stokowski
Berg	Frederick	Lindgren	Pillsbury	Stumpf
Berglin	Frederickson	Luther	Purfeerst	Taylor
Bernhagen	Hanson	Menning	Ramstad	Tennessen
Bertram	Hughes	Merriam	Renneke	Ulland
Brataas	Humphrey	Moe, D.M.	Rued	Vega
Chmielewski	Johnson	Moe, R.D.	Schmitz	Waldorf
Dahl	Keefe	Nelson	Setzepfandt	Wegener
Davies	Knoll	Pehler	Sieloff	Willet
Davis	Kroening	Penny	Sikorski	

So the bill passed and its title was agreed to.

H. F. No. 564: A bill for an act relating to insurance; allowing a township mutual fire insurance company to insure certain property; amending Minnesota Statutes 1980, Section 67A.14, Subdivision 5.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Lantry	Peterson, D.L.	Solon
Belanger	Frank	Lessard	Peterson, R.W.	Spear
Benson	Frederick	Lindgren	Petty	Stern
Berglin	Frederickson	Luther	Pillsbury	Stokowski
Bertram	Hanson	Menning	Purfeerst	Stumpf
Brataas	Hughes	Merriam	Ramstad	Taylor
Chmielewski	Johnson	Moe, D.M.	Renneke	Tennessen
Dahl	Keefe	Moe, R.D.	Rued	Ulland
Davies	Knoll	Nelson	Schmitz	Vega
Davis	Kroening	Pehler	Setzepfandt	Waldorf
Dicklich	Kronebusch	Penny	Sieloff	Wegener
Dieterich	Langseth	Peterson, C.C.	Sikorski	Willet

So the bill passed and its title was agreed to.

H. F. No. 277: A bill for an act relating to insurance; broadening the investment authority of township mutual insurance companies; prescribing recordkeeping duties; providing remedies; proposing new law coded in Minnesota Statutes, Chapter 67A; repealing Minnesota Statutes 1980, Sections 67A.23 and 67A.24.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Berglin	Dahl	Engler	Hughes
Bang	Bernhagen	Davies	Frank	Humphrey
Belanger	Bertram	Davis	Frederick	Johnson
Benson	Brataas	Dicklich	Frederickson	Keefe
Berg	Chmielewski	Dieterich	Hanson	Knoll

Kroening	Merriam	Peterson, R.W.	Setzepfandt	Tennessen
Kronebusch	Moe, D.M.	Petty	Sieloff	Ulland
Langseth	Moe, R.D.	Pillsbury	Sikorski	Vega
Lantry	Nelson	Purfeerst	Solon	Waldorf
Lessard	Pehler	Ramstad	Spear	Wegener
Lindgren	Penny	Renneke	Stern	Willet
Luther	Peterson, C.C.	Rued	Stokowski	
Menning	Peterson, D.L.	Schmitz	Stumpf	

So the bill passed and its title was agreed to.

H. F. No. 775: A bill for an act relating to public utilities; removing municipal utilities from public utilities commission jurisdiction and granting an option in regard thereto; amending Minnesota Statutes 1980, Section 216B.11; proposing new law coded in Minnesota Statutes, Chapter 216B; repealing Minnesota Statutes 1980, Sections 216B.10, Subdivision 6; 216B.12, Subdivision 2; and 216B.13, Subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 4, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Langseth	Peterson, D.L.	Solon
Bang	Engler	Lantry	Peterson, R.W.	Spear
Belanger	Frank	Lessard	Petty	Stern
Benson	Frederick	Lindgren	Pillsbury	Stokowski
Berg	Frederickson	Luther	Purfeerst	Stumpf
Bernhagen	Hanson	Menning	Ramstad	Taylor
Bertram	Hughes	Merriam	Renneke	Tennessen
Brataas	Humphrey	Moe, D.M.	Rued	Ulland
Chmielewski	Johnson	Moe, R.D.	Schmitz	Vega
Dahl	Knoll	Nelson	Setzepfandt	Waldorf
Davies	Kroening	Penny	Sieloff	Wegener
Davis	Kronebusch	Peterson, C.C.	Sikorski	Willet

Ms. Berglin, Messrs. Dieterich, Keefe and Pehler voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 436: A bill for an act relating to financial institutions; setting application fees for industrial loan and thrifts; providing for publication of notices; establishing procedures for consideration of applications for consent to sell and issue certificates; increasing the minimum amounts for insurance of accounts; amending Minnesota Statutes 1980, Sections 53.03, Subdivision 1, and by adding subdivisions; and 53.10, Subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Chmielewski	Frederickson	Langseth	Nelson
Bang	Dahl	Hanson	Lantry	Pehler
Belanger	Davies	Hughes	Lessard	Penny
Benson	Davis	Humphrey	Lindgren	Peterson, C.C.
Berg	Dicklich	Johnson	Luther	Peterson, D.L.
Berglin	Dieterich	Keefe	Menning	Peterson, R.W.
Bernhagen	Engler	Knoll	Merriam	Petty
Bertram	Frank	Kroening	Moe, D.M.	Pillsbury
Brataas	Frederick	Kronebusch	Moe, R.D.	Purfeerst

Ramstad	Setzepfandt	Spear	Taylor	Waldorf
Renneke	Sieloff	Stern	Tennessen	Wegener
Rued	Sikorski	Stokowski	Ulland	Willet
Schmitz	Solon	Stumpf	Vega	

So the bill passed and its title was agreed to.

S. F. No. 1278: A bill for an act relating to elections; providing for special elections to fill vacancies in statutory city offices; amending Minnesota Statutes 1980, Sections 205.10; 205.17, by adding a subdivision; and 412.02, Subdivision 2, and by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 2, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Penny	Sikorski
Bang	Dieterich	Langseth	Peterson, C.C.	Solon
Belanger	Engler	Lantry	Peterson, D.L.	Spear
Benson	Frank	Lessard	Peterson, R.W.	Stern
Berg	Frederickson	Lindgren	Petty	Stokowski
Berglin	Hanson	Luther	Pillsbury	Stumpf
Bernhagen	Hughes	Menning	Purfeerst	Taylor
Bertram	Humphrey	Merriam	Ramstad	Tennessen
Brataas	Johnson	Moe, D.M.	Renneke	Ulland
Chmielewski	Keefe	Moe, R.D.	Rued	Vega
Dahl	Knoll	Nelson	Schmitz	Waldorf
Davis	Kroening	Pehler	Sieloff	Willet

Messrs. Davies and Setzepfandt voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 1248: A bill for an act relating to local improvements; regulating the issuance of temporary improvement bonds; amending Minnesota Statutes 1980, Section 429.091, Subdivision 3, and by adding subdivisions.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Peterson, C.C.	Sikorski
Bang	Dieterich	Langseth	Peterson, D.L.	Solon
Belanger	Engler	Lantry	Peterson, R.W.	Spear
Benson	Frank	Lessard	Petty	Stokowski
Berg	Frederickson	Lindgren	Pillsbury	Stumpf
Berglin	Hanson	Luther	Purfeerst	Taylor
Bernhagen	Hughes	Merriam	Ramstad	Tennessen
Bertram	Humphrey	Moe, D.M.	Renneke	Ulland
Chmielewski	Johnson	Moe, R.D.	Rued	Vega
Dahl	Keefe	Nelson	Schmitz	Waldorf
Davies	Knoll	Pehler	Setzepfandt	Wegener
Davis	Kroening	Penny	Sieloff	Willet

So the bill passed and its title was agreed to.

S. F. No. 1321: A bill for an act relating to the city of Granite Falls;

authorizing the establishment of a community development program and providing powers for it.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 2, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Kronebusch	Peterson,D.L.	Solon
Bang	Engler	Langseth	Peterson,R.W.	Spear
Belanger	Frank	Lantry	Petty	Stern
Berg	Frederick	Lessard	Pillsbury	Stokowski
Berglin	Frederickson	Lindgren	Purfeerst	Stumpf
Bernhagen	Hanson	Luther	Ramstad	Taylor
Bertram	Hughes	Menning	Renneke	Tennessen
Brataas	Humphrey	Moe, R. D.	Rued	Ulland
Chmielewski	Johnson	Nelson	Schmitz	Vega
Dahl	Keefe	Pehler	Setzepfandt	Waldorf
Davis	Knoll	Penny	Sieloff	Wegener
Dicklich	Kroening	Peterson,C.C.	Sikorski	Willet

Messrs. Davies and Merriam voted in the negative.

So the bill passed and its title was agreed to.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the General Orders Calendar. The motion prevailed.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Dicklich in the chair.

After some time spent therein, the committee arose, and Mr. Dicklich reported that the committee had considered the following:

S. F. Nos. 1247, 1087 and H. F. Nos. 462, 509 and 121, which the committee recommends to pass.

S. F. No. 15, which the committee recommends to pass with the following amendment offered by Mr. Davies:

Page 2, after line 24, insert:

"*Subd. 5.* [LIMITATION.] *This section shall not apply to laws establishing taxes, fees, or fines, or that result in the accrual of revenue to the state or to any political subdivision.*"

The motion prevailed. So the amendment was adopted.

H. F. No. 63, which the committee recommends to pass, subject to the following motions:

Mr. Olhoft moved that the amendment made to H. F. No. 63 by the Committee on Rules and Administration in the report adopted April 14, 1981, pursuant to Rule 49, be stricken.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 46 and nays 18, as follows:

Those who voted in the affirmative were:

Belanger	Frederick	Langseth	Peterson,C.C.	Stumpf
Benson	Frederickson	Lantry	Peterson,D.L.	Taylor
Berg	Hanson	Lessard	Purfeerst	Vega
Bernhagen	Hughes	Lindgren	Renneke	Waldorf
Bertram	Humphrey	Luther	Rued	Wegener
Chmielewski	Johnson	Menning	Schmitz	Willet
Dahl	Keefe	Merriam	Setzepfandt	
Davis	Knoll	Olhoft	Sieloff	
Engler	Kroening	Pehler	Sikorski	
Frank	Kronebusch	Penny	Stokowski	

Those who voted in the negative were:

Ashbach	Davies	Moe, R. D.	Pillsbury	Tennessen
Bang	Dicklich	Nelson	Ramstad	Ulland
Berglin	Dieterich	Peterson, R.W.	Spear	
Brataas	Moe, D. M.	Petty	Stern	

The motion prevailed. So the amendment was stricken.

Mr. Nelson moved to amend H. F. No. 63 as follows:

Page 1, line 20, before the period, insert "*when deletion of abortion services from the contract benefits of its employees is requested by a religiously-affiliated employer or by a religious order. Upon request by an individual who is enrolled in a health maintenance organization, the health maintenance organization shall delete elective, induced abortion services, except as medically necessary to prevent the death of the mother, from the individual's coverage*"

Page 2, line 9, before the semicolon insert ", *as provided in sections 1 and 2*"

Page 2, line 13, before the period insert "*when deletion of abortion services from the contract benefits of its employees is requested by a religiously-affiliated employer or by a religious order, and when an individual who is enrolled in a health maintenance organization requests deletion of elective, induced abortion services, except as medically necessary to prevent the death of the mother, from the individual's coverage*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 18 and nays 44, as follows:

Those who voted in the affirmative were:

Bang	Dicklich	Moe, R. D.	Pillsbury	Tennessen
Berglin	Dieterich	Nelson	Ramstad	Ulland
Brataas	Luther	Peterson,R.W.	Spear	
Davies	Moe, D. M.	Petty	Stern	

Those who voted in the negative were:

Belanger	Frank	Kroening	Pehler	Sikorski
Benson	Frederickson	Kronebusch	Penny	Stokowski
Berg	Hanson	Langseth	Peterson,C.C.	Stumpf
Bernhagen	Hughes	Lantry	Peterson,D.L.	Taylor
Bertram	Humphrey	Lessard	Purfeerst	Vega
Chmielewski	Johnson	Lindgren	Renneke	Waldorf
Dahl	Keefe	Menning	Rued	Wegener
Davis	Knoll	Merriam	Schmitz	Willet
Engler	Knutson	Olhoft	Sieloff	

The motion did not prevail. So the amendment was not adopted.

Ms. Berglin moved to amend H. F. No. 63 as follows:

Page 2, line 18, delete "*health or*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 18 and nays 46, as follows:

Those who voted in the affirmative were:

Ashbach	Davies	Moe, R. D.	Pillsbury	Tennessen
Bang	Dicklich	Nelson	Ramstad	Ulland
Berglin	Dieterich	Peterson,R.W.	Spear	
Brataas	Moe, D. M.	Petty	Stern	

Those who voted in the negative were:

Belanger	Frederick	Kronebusch	Penny	Stokowski
Benson	Frederickson	Langseth	Peterson,C.C.	Stumpf
Berg	Hanson	Lantry	Peterson,D.L.	Taylor
Bernhagen	Hughes	Lessard	Purfeerst	Vega
Bertram	Humphrey	Lindgren	Renneke	Waldorf
Chmielewski	Johnson	Luther	Rued	Willet
Dahl	Keefe	Menning	Schmitz	
Davis	Knoll	Merriam	Sieloff	
Engler	Knutson	Olhoft	Sikorski	
Frank	Kroening	Pehler	Solon	

The motion did not prevail. So the amendment was not adopted.

Mr. Dieterich moved to amend H. F. No. 63 as follows:

Page 2, after line 22, insert:

"Sec. 4. Minnesota Statutes, 1980, Section 62E.17, is amended by adding a subdivision to read:

Subd. 5. An employer who offers a health benefits plan to employees shall upon the next renewal of the health benefits plan contract, offer his employees who have elected to obtain health benefits through a health maintenance organization contract the option to obtain the health benefits from any health maintenance organization established pursuant to section 62D.03."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "requiring employers to offer certain options with regard to election of health maintenance organization benefits plans;"

Page 1, line 6, delete "and"

Page 1, line 6, after "5" insert "; and 62E.17, by adding a subdivision"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 14 and nays 45, as follows:

Those who voted in the affirmative were:

Ashbach	Brataas	Dieterich	Peterson,R.W.	Spear
Bang	Davies	Moe, D. M.	Petty	Stern
Berglin	Dicklich	Nelson	Pillsbury	

Those who voted in the negative were:

Belanger	Frederickson	Langseth	Pehler	Sieloff
Benson	Hanson	Lantry	Penny	Sikorski
Bernhagen	Hughes	Lessard	Peterson,C.C.	Stokowski
Bertram	Humphrey	Lindgren	Peterson,D.L.	Stumpf
Chmielewski	Johnson	Luther	Purfeerst	Taylor
Dahl	Knoll	Menning	Ramstad	Vega
Davis	Knutson	Merriam	Renneke	Waldorf
Engler	Kroening	Moe, R. D.	Rued	Wegener
Frank	Kronebusch	Olhoft	Schmitz	Willet

The motion did not prevail. So the amendment was not adopted.

The question was taken on the recommendation to pass H. F. No. 63.

The roll was called, and there were yeas 50 and nays 11, as follows:

Those who voted in the affirmative were:

Ashbach	Frank	Kronebusch	Pehler	Sieloff
Belanger	Frederick	Langseth	Penny	Sikorski
Benson	Frederickson	Lantry	Peterson,C.C.	Solon
Berg	Hanson	Lessard	Peterson,D.L.	Stokowski
Bernhagen	Hughes	Lindgren	Petty	Stumpf
Bertram	Humphrey	Luther	Purfeerst	Taylor
Chmielewski	Johnson	Menning	Ramstad	Vega
Dahl	Knoll	Merriam	Renneke	Waldorf
Davis	Knutson	Moe, R. D.	Rued	Wegener
Engler	Kroening	Olhoft	Schmitz	Willet

Those who voted in the negative were:

Berglin	Dicklich	Nelson	Pillsbury	Stern
Brataas	Dieterich	Peterson,R.W.	Spear	
Davies	Moe, D. M.			

The motion prevailed. So H. F. No. 63 was recommended to pass.

On motion of Mr. Dicklich, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Willet moved that H. F. No. 1443 be withdrawn from the Committee on Finance and laid on the table. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Stumpf, Willet, Hanson and Moe, R.D. introduced—

S.F. No. 1387: A bill for an act relating to congressional districts; apportioning congressional districts; amending Minnesota Statutes 1980, Sections 2.741; 2.751; 2.761; 2.771; 2.781; 2.791; 2.801; and 2.811.

Referred to the Committee on Elections and Reapportionment.

Mr. Pehler introduced—

S.F. No. 1388: A bill for an act relating to taxation; providing a levy limit base adjustment for governmental subdivisions; amending Minnesota Statutes

1980, Section 275.52, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Mr. Ashbach, by request, introduced—

S.F. No. 1389: A bill for an act relating to the budget; authorizing a deficit in the budget at the end of fiscal year 1981 to be carried forward to the following fiscal year; appropriating money.

Referred to the Committee on Rules and Administration.

Mr. Willet, for the Committee on Finance, introduced—

S. F. No. 1390: A bill for an act relating to the organization and operation of state government; appropriating money for the general legislative, judicial, and administrative expenses of state government with certain conditions; providing for the transfer of certain moneys in the state treasury; authorizing land acquisition in certain cases; fixing and limiting the amount of fees to be collected in certain cases; creating a department of planning, energy and development; transferring all the functions of the state planning agency, energy agency, and department of economic development, and the staff of the crime control planning board, to the department of planning, energy and development; abolishing the state planning agency, energy agency, and department of economic development; creating an advisory committee on energy policy development; amending Minnesota Statutes 1980, Sections 3.3005, Subdivision 3; 3.304, by adding a subdivision; 3.922, Subdivision 1; 4.10; 4.11, Subdivisions 4, 5 and 8; 4.12; 4.125; 4.13; 4.17; 4.18, Subdivision 2; 4.191; 4.26, Subdivision 1; 4.27; 4.29; 4.35; 4.36, Subdivisions 2, 3, 4, and 5; 9.061, Subdivision 5; 15.01; 15.057; 15.50, Subdivision 2; 15A.081, Subdivision 1; 16.014, Subdivision 1; 16.084; 16.086, Subdivisions 1 and 2; 16.125, Subdivision 2; 16.756, Subdivision 1; 18.023, Subdivision 11; 18.024, Subdivision 1; 16.97, Subdivision 3; 16A.123; 17B.15; 18.51, Subdivision 2; 18.52, Subdivision 5; 18.54, Subdivision 1; 19.19, Subdivisions 1 and 2; 19.20, Subdivision 4; 40.071; 43.09, Subdivision 2a; 84.028, Subdivision 2; 84.54; 85.016; 85.017; 86.72, Subdivision 3; 86A.06; 86A.09, Subdivisions 1, 2, 3, and 4; 89.43; 92.35; 92.36; 92.37; 104.03, Subdivision 1; 104.35, Subdivisions 2 and 3; 105.484; 105.485, Subdivision 3; 114A.03, Subdivision 1; 115A.07, Subdivision 1; 115A.12, Subdivision 2; 115A.15, Subdivision 5; 116C.03, Subdivisions 2, 3, and 4; 116C.69, Subdivisions 2, 2a and 3; 116H.05; 116H.06; 116H.07; 116H.08; 116H.085; 116H.087; 116H.088, Subdivision 1; 116H.089; 116H.09, Subdivisions 1, 4, and 5; 116H.10; 116H.11; 116H.12, Subdivisions 1, 1b, 2, 4, 5, 6, and 9; 116H.121, Subdivisions 1 and 2; 116H.122; 116H.123; 116H.124; 116H.126; 116H.127; 116H.128; 116H.129, Subdivisions 1, 4, 5, 6, and 8; 116H.13; 116H.14; 116H.15, Subdivision 2; 116H.17; 116H.18; 116H.19, Subdivision 1; 116H.23; 120.78, Subdivision 1; 124.225, Subdivision 4a; 126.111, Subdivision 2; 137.31, Subdivision 6; 138.93, Subdivision 4; 139.17, Subdivision 1 and by adding a subdivision; 139.18, Subdivisions 1, 3 and 4; 139.19, Subdivisions 3, 4, 5 and 6; 145.834; 145.835, Subdivision 1; 145.836, Subdivision 1; 145.837, Subdivision 1; 145.845; 145.912, Subdivision 15; 160.262, Subdivisions 1 and 3; 160.265, Subdivision 1; 174.03, Subdivision 7; 176.183, Subdivision 2; 204A.06, Subdivision 1b; 216B.241, Subdivision

2; 222.62; 222.65; 223.03; 231.16; 232.02, Subdivisions 1, 2, and 3; 233.08; 245.783, Subdivision 2; 268.014; 273.74, Subdivisions 2 and 5; 275.53, Subdivisions 1, 3, and 4; 290.06, Subdivision 14; 290.431; 298.48, Subdivision 4; 299A.03, Subdivision 5; 299A.04; 301.75; 301.77, Subdivision 1; 301A.01, Subdivision 1; 301A.05; 301A.07, Subdivision 1; 322A.16; 322A.71; 325F.19, Subdivisions 3 and 6; 325F.20, Subdivision 1; 325F.21, Subdivision 2; 325F.23, Subdivision 1; 325F.24, Subdivision 3a; 336.9-403; 336.9-404; 336.9-405; 336.9-406; 336.9-407; 345.53; 354.43, Subdivision 3; 355.06; 362.12, Subdivision 1; 362.13; 362.132; 362.40, Subdivisions 8, 9, and 10; 362.41, Subdivision 5; 362.42; 362.51, Subdivisions 8 and 10; 362A.06; 402.045; 402.062, Subdivision 1; 402.095; 451.09, Subdivision 2; 453.52, Subdivision 3; 462.375; 462.384, Subdivision 7; 462.385, Subdivisions 1 and 3; 462.386, Subdivision 1; 462.387; 462.39, Subdivisions 2 and 3; 462.391, Subdivisions 2, 3, and 4; 462.395; 462.396, Subdivision 1; 462.398; 462.421, Subdivision 21; 462A.05, Subdivision 15b; 473.204, Subdivision 2; 473.411, Subdivision 1; 473.857, Subdivision 2; 473H.06, Subdivision 5; 474.01, Subdivisions 6, 7, and 8; 480.0595; 641.24; and 648.39; proposing new law coded as Minnesota Statutes, Chapter 116J; proposing new law coded in Minnesota Statutes, Chapters 116H and 299A; Laws 1976, Chapter 337, Section 1, Subdivisions 2, as amended, 3, and 4, as amended; Laws 1978, Chapter 510, Sections 2 and 5; repealing Minnesota Statutes 1980, Sections 3.351; 4.11, Subdivisions 1, 2, 3, 6, and 7; 4.15; 4.16; 16.014, Subdivision 3; 116H.001; 116H.02, Subdivisions 2 and 4; 116H.03; 116H.09, Subdivisions 2 and 3; 116H.12, Subdivision 3b; 116H.124, Subdivision 1; 116H.126, Subdivision 1; 126.52, Subdivision 12; 254A.06; 299A.03, Subdivisions 12, 13, and 14; 362.07; 362.08; 362.09; 362.10; 362.11; 362.12, Subdivisions 2 and 3; 362.15; 362.17; 362.18; 362.19; 362.23; 462.711; 473.571, Subdivisions 2, 3, and 4; 648.45; 648.46; Laws 1976, Chapter 337, Section 4, as amended; and Laws 1978, Chapter 510, Section 10.

Under the rules of the Senate, laid over one day.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Thursday, April 30, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate